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BRITISH ADMINISTRATION OF PUNJAB (1849-75)

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Foreword by

DR. T. G. P. SPEAR

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MUSLIMS AND CHANGING INDIA
WOMEN'S EDUCATION IN INDIA

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TO MY FATHER
SHRI CHAND BAHADUR

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FOREWORD

The most popular part of modern Punjab history has hitherto been the reign of Ranjit Singh, the struggle for power which ensued thereafter and the two Anglo-Sikh wars. Then comes the work of Henry and John Lawrence and of course their controversies. The Punjabi loves both a leader and a fight, so that it is natural that these should be the two most congenial themes of study. But there are other subjects of even greater importance though less dramatic, for they affect the life of the people and the future destiny of the state. It is this essential though less colourful aspect of Punjab life that Dr. Mathur has chosen for his study. Ranjit Singh united the Punjab and made it proud of itself. Yet his was a Sikh domination over other communities, not a multi-racial commonwealth, and his resources were concentrated upon the army rather than national welfare and development. The sequel after his death in 1839 showed both the strength of the military instrument he had forged and the weakness of the political structure. The two wars saw heroic deeds as well as disasters; they were soul-stirring and exciting. But in themselves they decided nothing beyond transferring sovereignty from one vigorous minority to another, quite as vigorous and even more of a minority. There were colourful leaders, but leaders however colourful, must pass.

There were two great issues which the Punjab had to face. The first was the integration of its three communities into a united people. They were all Punjabis, sharing much the same tastes, but in other respects they were so different and they all had their own and often conflicting traditions. Looking back into the past could only increase disunity. So it was necessary to look to the future. It was here that the second issue arose. The Punjab had to adapt itself to the influence of the west coming in as inexorably as a rising tide, a tide bearing both the material fruits of technological advance and new ideas about man and nature. Willy-nilly this challenge had to be met and it was on this ground that the communities might meet. Was there to be a Punjab people and patriotism or three rival communities using modern ideological and material weapons instead of old ones?

It was on the answer to these questions that the future of the Punjab depended and still depends.

Dr. Mathur has made a study of the first stage of this process. He is concerned with the Punjab rulers' administrative measures and with their material developments. Sir John Lawrence and his colleagues regarded the building of roads and bridges, and schools and hospitals, with almost apostolic zeal. Their successors felt the same about irrigation canals. These things, they believed, constituted the skeleton of the future Punjab body politics. They would provide the basis for Punjab prosperity and so in the long term of Punjab amity and fraternity. Dr. Mathur starts at the point in 1849, when the Punjab, after six years of strife and two devastating wars, had virtually no administration at all. He studies first, what might be called the period of restoration from 1849-57, then the moment of crisis from 1857-59 and finally the period of material development from 1859-75. In the course of these measures, however cautious they might be, the British were bound to introduce new ideas and concepts, if only by implication. They also were significant for the future. We see the material side in the chapters on administration and public works. Something of the ideological implications come under the headings of judicial, revenue and education. Dr. Mathur is concerned with what the British actually did during these years. This factual approach provides a ground-work for the further study of the whole British impact on the Punjab. How far did they succeed in modernising and how far in uniting and integrating? On the basis of the foundation of the present study I hope that Dr. Mathur will go forward to consider these larger questions. In short, what was the significance and what was the success of the Punjab school.

SELWYN COLLEGE,
CAMBRIDGE

PERCIVAL SPEAR

PREFACE

The annexation of Punjab (1849) is a landmark in modern Indian History. It marked the termination of Sikh rule and enabled the British government to reconstruct the administrative machinery which had suffered laxity since the death of Ranjit Singh. It is remarkable that within a span of 26 years (1849-75) order and prosperity were established out of the debris of past confusion and misery and the administration was placed on a sound footing. The British government avoided the mistakes committed in the older provinces for the introduction of an improved system of administration in Punjab. As a result of this policy and the zeal and integrity of the officers posted in Punjab, the administration of the province made so rapid progress during the period that it could compare favourably with Bengal and North Western Provinces. In certain respects it even became superior in administration to other provinces of India.

Chapter I enunciates the principles and policy of the British government; Chapter II discusses the development of civil and criminal law and working of the courts; Chapter III examines the organisation of the police department and its role in the suppression of crime; Chapter IV analyses the organisation and functioning of jails; Chapter V reviews the development of education; Chapter VI highlights the achievements in the development of roads, canals, railways, post offices, telegraph etc., Chapter VII surveys the land revenue and assessment policy and also contains a discussion of other sources of revenue; and Chapter VIII analyses the policy followed by the British government in Punjab. The Maps are reproductions from the original.

The work is primarily based on the records of the National Archives of India but besides these numerous government reports, parliamentary papers, historical journals and monographs have been consulted. I have however not been able to glance through the private papers of the British administrators because they are not available in India. Best use has however been made of the Despatches to and from the Secretary of State

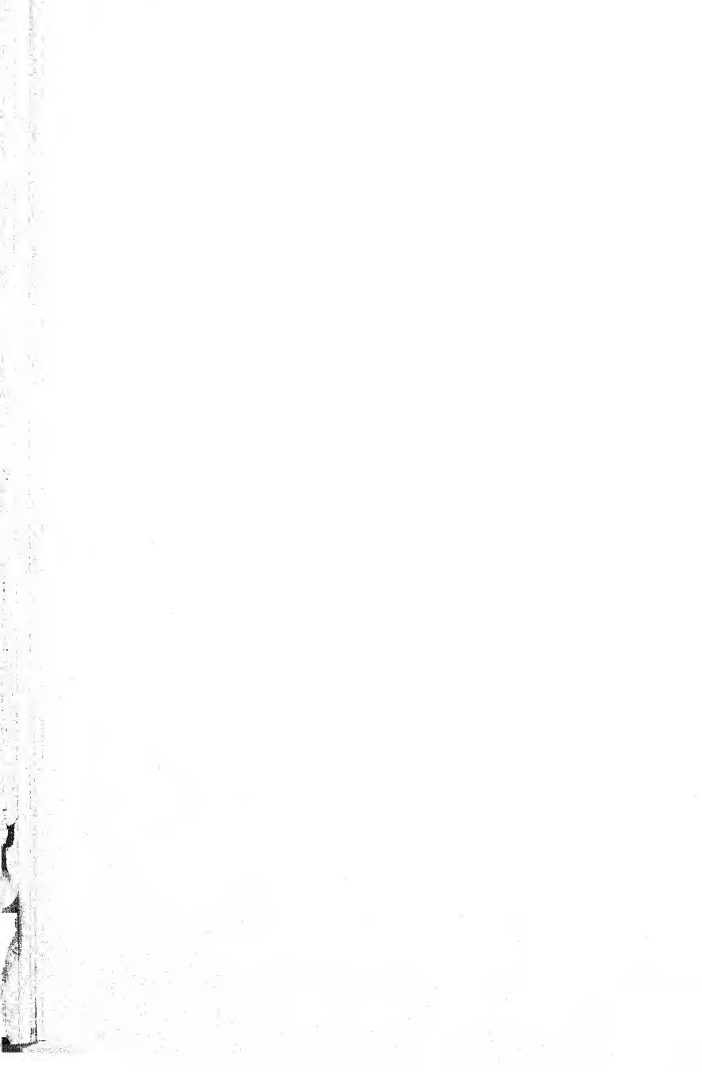
for India. The vernacular newspapers available during this period have more to say about political developments but are silent on all the important issues of administration.

I owe a deep debt of gratitude to Dr. S. S. Gandhi, M.A. Hons. Ph.D., Senior Lecturer in History, School of Correspondence Courses, University of Delhi, who supervised my work, and read the manuscript. I am also extremely grateful to Dr. T.G.P. Spear and Prof. N.K. Sinha for their valuable suggestions. I am thankful to the National Archives of India for affording me all facilities for research and particularly to Shri S. Roy, Offg. Director of Archives, for all the help he extended to me during the course of my research work. My thanks are also due to National Library, Calcutta for making available to me all the material for this work and to my wife Dr. Uma Yaduvansh, Senior Lecturer in Political Science, Daulat Ram College, Delhi University, who gave me invaluable help in completing this work.

Y. B. MATHUR

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CHAPTER I

FOUNDATIONS OF BRITISH ADMINISTRATION

The annexation of Punjab in 1849 presented an administrative problem of great magnitude. Being inhabited by sturdy warlike people, it had to be pacified and provided with the elements of a well-regulated administration. Earlier in Sind, to attain these ends Sir Charles Napier had employed the mechanism of military despotism. In Punjab, although the Sind model was not followed and the Civil Service supplied at least half the corps of administrators, the type of government nonetheless was despotic. The administrative and judicial powers were kept united in the hands of individual officers who were organized into a closely disciplined and graded hierarchy.¹ Punjab was divided into divisions and districts, each under a Commissioner and a Deputy Commissioner.² No separate judiciary was established and the Deputy Commissioner, *i.e.* the District officer acted as Collector, Magistrate and Civil Judge.³

1. Stokes, Eric. *The English Utilitarians and India*, (Oxford, 1959), p. 243.
2. Punjab was divided into seven divisions in charge of Commissioners, with headquarters at Ambala, Jullundur, Amritsar, Lahore, Multan, Rawalpindi and Leiah (Derajat), embracing 24 districts. The three additional districts of Peshawar, Kohat and Hazara, at first administered under the direct control of Board of Administration, were formed into an eighth division about the year 1850. In February 1858 the divisions of Delhi and Hissar were formally incorporated in the province of Punjab adding six to the twenty-seven original districts. The Thanesar district, however, was broken up in 1862, and divided between Ambala and Karnal. The division of Punjab into ten divisions and thirty-two districts continued till 1875.
3. Lawrence was delighted that the separation of the judiciary and executive which he believed was ruining North Western Provinces was not to be reproduced in Punjab. When in charge of the Jullundur Doab (Annexed in 1846) he expressed his feelings with characteristic force: "I want no such person as a Session Judge here. I have not a bit too much work, though I have plenty of it. I have a great objection to the civil and revenue work being separated. A regular civil court plays the very devil. Its course of procedure is ruinous to the tenures of the country for the agriculturists cannot fight their causes

The system was justified on grounds of economy and for ensuring maximum efficiency and unity of purpose. It appeared to guarantee a strong, simple and paternal rule devoted to the welfare of a society of sturdy peasant proprietors.⁴

Before analysing the administrative changes in Punjab from 1849 to 1875, it would be proper to examine the system of government followed by Ranjit Singh. Being ambitious and daring⁵ he did not worry about the theory or practical niceties of administration⁶. All the wealth and energy of the people was devoted to the preparation of the sinews of war and military equipment. The system of government was that common to all medieval governments. The administration was as such rough and ready⁷ as compared with the elaborate machinery of modern times. One subject of course rivetted the attention of Ranjit Singh, namely, the collection of the taxes. To this all the branches of his administration were subordinated and to it the attention of all his officials was unremittingly directed. He appears to have utilised all known sources of taxation, imposts direct and indirect, on land, on houses, on persons, on manufactures, on commerce, on imports and exports; all had a place in his fiscal system. The revenue of remote provinces was farmed to men of wealth and influence, or of vigour and capacity, and they were invested with powers of government, in the exercise of which they experienced little interference, provided that revenue was regularly remitted. Military chiefs, who enjoyed the revenue of *jagirs*, or assigned tracts of land on condition of furnishing contingents, also exercised practically unlimited authority in their jurisdictions⁸. These farmers and

in that court. It is ruining the people in North West Provinces, and will do the same wherever it is introduced. We are getting on capitally here. This, I think, will prove the pattern district of the North West and will pay Government famously if you do not let off too many jagheers." Quoted in Bosworth Smith, *Life of Lord Lawrence*, Vol. II, p. 202.

4. Stokes, Eric. *The English Utilitarians and India*, (Oxford, 1959) p. 243.
5. Gibbon, the *Lawrences of the Punjab* (London, 1908), p. 64.
6. Cunningham, I.D. *A History of the Sikhs* (London, 1918), p. 168.
7. Narang, G.C. *Transformation of Sikhism*, (Lahore, 1912), p. 182.
8. *Foreign Miscellaneous Series*, S. No. 156, No. in the list, 356-50, para, 24.

jagirdars had under them local agents, or *Kardars*, whose power varied according to the influence they possessed at the court. The pay of these local tax-gatherers varied and was mostly uncertain. It was tacitly understood that they were to live by the perquisites of their own appointments.⁹

The arrangements for auditing the accounts were for many years defective. It was only towards the close of *Maharaja's* reign that financial order was restored. He trusted his tenacious memory, aided by such devices as the notches of a stick, for remembering complicated accounts of expenditure. This accounting system facilitated embezzlement. Ranjit Singh knew this quite well and as an antidote he sometimes called upon his servants to pay him fees or aids. If the servants failed to accede to his demand, Ranjit Singh went to the extent of plundering them and their families.¹⁰

There were no definite and regular courts of justice, though there was a judicial officer, termed *adalati*, in Lahore¹¹. Private property in land, the relative rights of land-holders and cultivators, the corporate capacity of village communities, were all recognized. Under the direction of local authorities, private arbitration was extensively resorted to. The most difficult questions of real and personal property were adjudicated by these tribunals. The arbitrators according to their respective faiths consulted the Musalman *Shurah* or the Hindu *Shastras*. The *Qazis* and *Qanungos* exercised privately and indirectly those functions which had descended to them since the Mughal times. The former continued to ordain marriage ceremonies, to register testaments and attest deeds; the latter to declare recorded facts and expound local customs.¹² The *Maharaja* constantly toured his dominions. He heard all complaints and his wrath was sure to descend on any Governor in whose province grievances were numerous¹³.

9. Idem, para 24.

10. Foreign Miscellaneous Series, S. No. 156, No. in the List, 356-59, para 27.

11. Cambridge History of India, Vol. VI VI Edited by H.H. Dodwell, (New Delhi, 1958), p. 89.

12. Sinha, N.K. Ranjit Singh (Calcutta, 1951), p. 147.

13. Idem.

Imprisonment was almost unknown¹⁴. Capital punishment was rare and its infliction was reserved to the ruler himself¹⁵. In most cases some parts of the body were ordered to be cut off but there was hardly a punishment which could not be changed into fine or money payment¹⁶. The *Maharaja* himself gave punishments in many cases. These punishments were simple and followed quickly on the sentence. He was himself accuser, judge and jury and five minutes was the duration of the longest trial during his administration¹⁷. There were local police officers but their functions were more often political and military, than civil, their duty being to check local disturbances and to arrange for the movement of troops.¹⁸

Ranjit Singh had not given much thought to the welfare of subjects. Thorburn says, "In his time there were no schools, his no law courts, and no jails in the Punjab." "He never made or repaired a road, a bridge, canal or tank and thus not a single work of public utility was constructed in his reign: those pre-existing were allowed to fall into decay and ruin".¹⁹ This appears to be an absurd statement for which there is no basis. His armies were constantly marching from one place to another. Roads and bridges could not have been kept in disrepair for forty years. There is however much truth in Thorburn's statement that the towns looked "little better than poverty stricken collections of huts and tumble-down edifices. The villages, except those of the Sikhs, were generally agglomerations of hovels surrounded by mud walls in disrepair."²⁰

Condition of Punjab after Ranjit Singh's death

In spite of his shortcomings, Ranjit Singh ruled happily over Punjab for about forty years. Punjab enjoyed peace and freedom from religious bigotry and persecution for the first time

14. Cambridge History of India, Vol. VI Edited by H.H. Dodwell (Cambridge, 1929), p. 89.

15. Chopra, G.L. The Punjab as a Sovereign State, (Lahore, 1928), p. 144.

16. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 29.

18. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 25.

19. Thorburn, S.S. The Punjab in Peace and War, (London, MCMIV) p. 23.

20. Idem, p. 24.

since Akbar the Great.²¹ After his death "neither his wisdom nor masterly spirit was in any measure possessed by his successors. On the loss of his strong hand Punjab was torn asunder by dissensions between rival princes, ministers, queens and *sardars*, and rapidly declined."²²

The army directed the affairs of the state and established their *Panchayats* (or Councils of Five Delegates). These army councils formulated demands for increased pay and dismissal of all officers not liked by them. On being refused they murdered many of these officers and then plundered Lahore.²³ The European officers had to flee and for some time the government was in abeyance.²⁴ The power of the army was now at its height and the highest officers of the state dreaded it.²⁵

Owing to this insecure state of the province trade declined. Robberies along the roads, vexatious exactions in the shape of duties and tolls, interruptions in the development of manufactures, the absorption of capital in military and civil contests, the withdrawal of large monetary resources from circulation and their removal to places of security seriously hampered mercantile transactions.²⁶ The First Sikh War (1845) helped the British Government to assume a share in the management of Punjab. The policy followed by the British representatives was strictly conservative. Their object was to interfere only to preserve, never to destroy.²⁷ They desired to reconstruct shattered institutions; but to give effect to this view, it was necessary to reform the many grave abuses which had grown up since the death of Ranjit Singh. The army was irregularly paid and was ill-disposed and idle. The civil governors, great and small, were involved in embezzlement. Violent crime was increasing. Justice between man and man was hard of attainment.²⁸

21. Narang, G.C. *Transformation of Sikhism*, (Lahore, 1912), p. 182.

22. Gordon, J.N. *The Sikhs* (William Blackwood and Sons, MCMIV), p. 119.

23. Narang, G.C. *Transformation of Sikhism* (New Delhi, 1956), p. 185.

24. Gordon, J.N. *The Sikhs* (William Blackwood and Sons, MCMIV), p. 124.

25. *Idem*, pp. 131-32.

26. *The History of the Sikhs*—compiled from authentic sources—(Calcutta, 1846), p. 194.

27. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 21.

28. *Idem*.

For all these evils, remedies were attempted by the Council of Regency during its existence from 1846 to 1849. The outgrown army was reduced. The discharged soldiers were paid up. The troops were disciplined and worked with regularity. The finances were scrutinized. The arrears justly due from the tax-gatherers were demanded with rigour. Efforts were made to enforce economy to free the exchequer from its longstanding liabilities. In the fiscal department, arrangements were made to fix and limit both the demand on the people and the remuneration of the revenue officers. Summary settlements of the land revenue were made and liberal salary was allowed to the *Kardars*. The multiplicity of indirect and miscellaneous taxes was simplified. The budget was so framed that the revenue was restricted to a few fixed duties but was not diminished. Here again relief was offered to the people without any sacrifice to the state interests.²⁹ Individuals of integrity were appointed as administrators of civil and criminal justice separately. The penal code was reduced to writing and rendered just and severe, yet more humane. Heinous crimes were referred to the Council of Regency and appeals from all the local chiefs were regularly heard. Official misfeasance was systematically prosecuted.³⁰

European officers were deputed to visit the outlying districts. All the chiefs who represented the intelligence, the honesty and influential interests of Punjab were summoned to Lahore for the purpose of framing rules and regulations for the future. An assembly of 50 Sikh soldiers, heads of villages under the guidance of Sirdar Lena Singh, sat for some months at Lahore in the autumn of 1847 to frame a code of simple laws for the guidance of the Sikh people. The resources of Punjab were examined and their development studied. Plans were formed for the construction of new canals, the repair of old ones, the re-opening of ruined wells and the re-peopling of deserted villages. An engineer of rank and experience was appointed from the British service and three lakhs of rupees were set apart by the Council for public improvements. But these fair prospects of beneficent rule were interrupted by the Second Sikh War which resulted in the annexation of

29. See details in the chapter on Revenue Administration.

30. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 33.

Punjab in 1849.³¹

British Administration of Punjab

Lord Dalhousie next mapped out a scheme for the administration of Punjab which combined the advantages of both a civil and military government. The system inaugurated was fully in consonance with the needs of a territory whose people were inured to war and had recently been deprived of power and who were accustomed to be ruled by a despotic government. A Board of Administration was established in 1849 and an adequate staff of civil and military officers drafted into Punjab.³² This Board was entrusted with the power to communicate directly with the Governor General.³³ It consisted of a President and two members. At the head of it, came the man who had filled the highest post in Punjab before its annexation, first as Resident, and then as Regent, Henry Lawrence.³⁴ His colleagues on the Board were his brother, Mr. John (afterwards Lord) Lawrence—an Officer of the Company's Civil Service, and Mr. Charles Grenville Mansel, also a covenanted civilian. The former had distinguished himself in North-Western Provinces and as Manager of the Jullundur Doab in Punjab, the latter had earned a high reputation as one of the ablest financiers in India.³⁵ Mansel was succeeded by Robert Montgomery from North-Western Provinces.³⁶

The Executive staff consisted of Commissioners on salaries of Rs. 2,750 per month; Deputy Commissioners on salaries ranging from Rs. 1,000 to Rs. 1,600; Assistant Commissioners on salaries of Rs. 500 to Rs. 700; and Extra Assistant Commissioners on salaries between Rs. 250 and Rs. 500. The first three grades consisted of covenanted or commissioned officers and the fourth of both Europeans and Indians, especially such

31. Idem.

32. Lee Warner, Sir William. *The Life of the Marquis of Dalhousie* (London 1904), p. 248.

33. H.M. Elliot, Secy. to the Govt. of India with the Governor General to Lt. Col. Sir H.M. Lawrence, C.J. Mansel, & J. Lawrence. Secret. Proceedings. Nos. 73-75 dated 28th April 1849.

34. Smith, B. *Life of Lord Lawrence*, Vol. II, (London, 1883), p. 282.

35. Latif, Abdul. *History of the Punjab*, (Calcutta, 1891), p. 574.

36. Woodruff, Phillip. *The Founders*, (London, 1953), p. 574.

Indians as might have filled offices of trust under the *Khalsa Darbar*. All officers in their various degrees were vested with triple powers, criminal, civil and fiscal.³⁷

The Commissioners were superintendents of revenue and police and exercised appellate powers of a civil judge and the criminal powers of a sessions judge. The Deputy Commissioners exercised the powers of Magistrates and Collectors of Revenue in the Regulation Provinces and tried all suits exceeding in value Rs. 1,000. Assistant Commissioners who were subordinate to the Deputy Commissioners exercised various degrees of power according to their standing and fitness. But they were vested with such powers as enabled them to dispose of any portion of the fiscal or criminal work, which the Deputy Commissioners thought proper to entrust to them. They tried civil suits upto Rs. 1,000. The Extra Assistant Commissioners performed the duties assigned to Assistant Magistrates, Deputy Collectors and subordinate judges in other provinces. The ranks of these official subordinates were filled by inhabitants of Punjab.³⁸

The functions of the Board were divided into political, revenue and judicial, and the members had each special charge of one of these departments, though all worked jointly when any question of more than ordinary importance arose.³⁹ The Board was vested with the powers of life and death, was itself the highest court of appeal, and had full control of the revenue, excise and all troops not an actual part of the army.⁴⁰ The Board was also entrusted with plenary authority to control and supervise all Departments and wield the powers usually conferred on the *Sudder Courts of Judicature* and *Sudder Board of Revenue of the Presidencies*.⁴¹

On 4th February, 1853 the Board of Administration was abolished⁴² because differences grew up among its

37. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 91.

38. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 91.

39. Latif, Abdul. History of the Punjab, (Calcutta, 1891), 574.

40. Arnold, Edwin. Marquis of Dalhousie's Administration of British India, (London, 1865), p. 228.

41. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 91.

42. Resolution dated 4 February, 1853, Secret Proceedings Nos. 127-32 dated 4 February, 1853.

members⁴³ and Lord Dalhousie showed more confidence in John Lawrence⁴⁴ as compared to his elder brother, Henry Lawrence. The Board was now replaced by a Chief Commissioner who also acted as an Agent to the Governor General.⁴⁵ The Chief Commissioner carried out the orders of the Supreme Government and was also the head of the local executive administration in all civil and political departments. He also exercised control over Punjab Irregular Force and the several police Battalions which were hitherto vested in the Board.⁴⁶ John Lawrence was appointed the first Chief Commissioner on a salary of Rs. 60,000 per annum.⁴⁷

Subordinate to the Chief Commissioner were the Judicial Commissioner and the Financial Commissioner each on a salary of Rs. 42,000 per annum. Robert Montgomery was appointed the first Judicial Commissioner and George Fredrick Edmonstone the first Financial Commissioner.⁴⁸ The Judicial Commissioner was the ultimate judge in all cases of judicial procedure, civil and criminal, but the concurrent opinion of the Chief

43. There was much discussion on the policy to be followed towards jagirdars. The view held by Henry Lawrence was that justice demanded a liberal view of this class, so that they may be converted into friends and at the same time maintain their prestige and influence. John Lawrence and Lord Dalhousie, on the other hand, held that justice entitled them to nothing more than a mere subsistence and the less the power they were left with, the better. John's view ultimately prevailed and Montgomery who succeeded Mansel in 1850 was also inclined to the same view. The result of John's policy was that by 1857 no jagirdar was left to raise a large body of troops to support or oppose the Government.

44. In 1852 when the Residency of Hyderabad fell vacant both the brothers applied for it. Henry was removed from Punjab by Lord Dalhousie but to make his blow bitter he was told that the post of Residency at Hyderabad required trained civilians and he, therefore, was given the Residency of Rajputana instead. The Board was subsequently dissolved and John Lawrence became the first Chief Commissioner of Punjab.

45. Despatch from the Secretary of State (Legislative), No. 11 dated 17 March, 1865.

46. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 4.

47. Offg. Secy. to the Government of India to the Board of Administration for the Affairs of the Punjab dated 4th February 1853. Foreign Proceedings No. 130 dated 4th February 1853.

48. *Idem*.

Commissioner was procured before capital punishment was inflicted on any individual and also before the punishment awarded by a lower court was enhanced. He was also entrusted with the superintendence of all matters relating to the civil police and the management and control of jails. On these subjects his orders were final with the exception that the approval of the Chief Commissioner was necessary for the issue of Circulars or General Orders. Questions regarding the construction of, and important alterations to, all judicial public buildings and the increase of establishments were referred by the Judicial to the Chief Commissioner. The local funds were under the control of the Judicial Commissioner. He was empowered to sanction any expenditure therefrom not exceeding Rs. 10,000 for any one work. Questions connected with ecclesiastical and educational matters were decided by the Judicial Commissioner. The more important matters in these and other departments were referred to the Chief Commissioner for decision or submission to Government.⁴⁹

The Financial Commissioner superintended and controlled the Revenue Settlements, sanctioned all summary settlements and release of small patches of land not exceeding ten acres in each case for the life of the incumbent. His orders regarding the appointment of *Lambardars* and all village officials were final. All matters connected with the revenue survey, stamps, salt and excise, and pensions were dealt with in his Department. The more important ones were submitted by the Financial Commissioner to the Chief Commissioner for decision or reference to Government as the case required. The Financial Commissioner, on his own authority, sanctioned the remission of balance of revenue in the districts which were temporarily settled. He granted *tagavi* loans for the construction of wells or other small works of irrigation not exceeding Rs 500. He sanctioned refunds of land revenue and excise wrongly demanded. He sanctioned the restoration of a pension and the payment of arrears when the pensioner was not absent for more than two years on good cause. All questions regarding inundation canals, revenue buildings and establishments passed through

49. Resolution Foreign Deptt. dated 4 February 1853, Foreign Proceeding No. 129 dated 4 February 1853.

his office to the Chief Commissioner.⁵⁰

Both the Financial and Judicial Commissioners were authorised to pass contingent bills to the extent of Rs. 500 for one work, and to sanction temporary establishments for extraordinary purposes for a period not exceeding six months. They both furnished to the Chief Commissioner a monthly index of correspondence. Nothing in these rules prevented the Chief Commissioner from calling for any papers or proceedings and submitting the same for the revision or orders of Government whenever he thought it fit. All matters vested in the Board collectively and not included in the above rules were under the direct control of the Chief Commissioner.⁵¹

A departmental organization was thus effected and the various compartments of the administration were partitioned off between two separate officers under the general control of one head immediately subordinate to the Supreme Government. Each of the two officers was given control over his own department, instead of a divided joint control over all, as exercised by the members of the Board. In this manner the officer's attention was concentrated and his individual responsibility fixed, while uniformity of design and practice was secured by the appointment of a single head. Thus the advantages of the Board were preserved, while the defects inseparable from its constitution were avoided. The consequence was that every portion of the work was better cared for than formerly, and that greater system, regularity and precision were obtained throughout.⁵²

The next change in Punjab administrative machine was made in 1858 when Delhi was transferred from North-Western Provinces and placed under Punjab administration.⁵³ The Delhi Administration was remodelled after Punjab plan. The Old Delhi Commissionership and the Delhi Judgeship were abolished. There were two Commissionerships, namely, that of Delhi, comprising the districts of Delhi, Karnal and Gurgaon; and that of Hissar, comprising districts of Hissar, Rohtak, Sirsa,

50. *Idem*.

51. *Idem*.

52. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 5.

53. Extract, para 5 of Resolution in the House Department, dated the 9th February, 1858.

and Jhujjur.⁵⁴ Instead of a Magistrate and Collector, there was a Deputy Commissioner in each District, who exercised all fiscal, magisterial and judicial powers under the control of the Commissioner. Undivided authority in all Departments was thus centred in one officer.⁵⁵ From the 1st January 1859 Punjab was constituted a Lieutenant Governorship,⁵⁶ and the first Chief Commissioner of Punjab, John Lawrence, passed as of indubitable right, into the position of its first Lieutenant Governor.⁵⁷ It was an honourable distinction and was made more at honourable still by the arrangement that Delhi was included in the new Lieutenant Governorship.⁵⁸ In this office John Lawrence was succeeded by Sir Robert Montgomery (1859), Sir Donald Macleod (1865), Sir Henry Durand (1870), and Sir Henry Davies (1871-77).

The territories under the administration of the Lieutenant Governor of Punjab comprised of:

- (1) Punjab west of the river Bias annexed in March 1849 on the close of the Second Sikh War.
- (2) Jullundur Doab and the hill districts of Kangra, which were ceded to the British Government by the Treaty of Lahore concluded in March 1846 after the termination of the First Sikh War.
- (3) The area east of the river Sutlej, formerly designated as the Cis-Sutlej States, and including (a) the possessions of Maharaja Dalip Singh of Lahore, on the left bank of the Sutlej, which were annexed to the British territories in December 1845; (b) such of the states taken under the protection of the British Government in 1808-9 as subsequently lapsed on the death of chiefs without heirs, or were confiscated and brought under British administration in January, 1847, in consequence of the 'misconduct' of their chiefs in the First Sikh War; (c) the hill districts of Simla, a

54. Foreign Deptt. Resolution No. 606, dated the 13th April, 1858.

55. Foreign Misc. Series, S. No. 157 No. in the List, 365, para 135.

56. Punjab Gazette Extraordinary, dated 10th February, 1859.

57. Minute by the Right Honourable the Governor General of India, Lord Canning, dated Allahabad 1st September, 1859.

58. Despatch from the Secretary of State (Political), No. 37 dated 9th September, 1859.

portion of which was acquired after the Gurkha War of 1814-1816, and the remainder subsequently obtained by lapse, purchase, or exchange for other territory.

- (4) Delhi territory west of the river Jumna, which was transferred from the Government of North-Western Provinces to that of Punjab in February 1858 and separated into two Divisions of Delhi and Hissar.⁵⁹

Spirit of British administration

Before discussing the different aspects of administration it would be proper to say a few words about the spirit behind the British administration. The officers posted in Punjab were put to very hard work and had to keep on moving from one district to another so that they might continually remain in touch with the people. John Beames tells us that in those days "the ideal of a district officer was a hard, active man in boots and breeches, who almost lived in the saddle, worked all day and night, ate and drank when and where he could, had no family ties, no wife or children to hamper him, and whose whole establishment consisted of a camp bed, an odd table and chair or so and a small box of clothes such as could be slung on a camel. Such a man must be ready to go every where at a moment's notice.....must decide cases sitting on horse back in the village gateway, or under a tree outside the village walls, write his decision on his knee, while munching a native *chapatty* or a fowl cooked in a hole in the ground, and then mount to his horse and be off to repeat the process in the next village."⁶⁰ These heavy and tedious responsibilities sometimes caused annoyance to the district officers but on the whole this spirit to to work hard went a long way to place the administration of Punjab on a sound basis.

Principles and policy of the Government

The following were the principles which the government

59. Punjab Administration Report, (1871-72), para 18. This report is subsequently quoted as *PAR*.

60a. Beames, John. *Memoirs of a Bengal civilian*, (London, 1961), pp. 102-103.

wanted to follow while building up the administration:

- (a) to uphold the institutions and practices of the people as far as they were consistent with the distribution of justice to all classes and to maintain the village communities in their integrity,
- (b) to employ the best and the most experienced officers of North Western Provinces in all the new departments of administration because with such men "even a faulty system may be made to succeed... without them, even an excellent system will fail."⁶⁰ Besides every possible effort was to be made to associate the people with the working of the different departments of administration,
- (c) to follow the spirit and principles of Regulations as far as applicable to the circumstances of Punjab in the introduction of the system of police and criminal law,
- (d) to observe the rules for the administration of civil justice which were introduced in Punjab in 1847 and to improve, amend and elaborate them as practical experience might suggest,
- (e) to develop as much as possible the resources of Punjab not only by encouraging agriculture but by the opening of roads, canals, railways and post offices etc.,
- (f) to encourage education, and
- (g) to enquire into the rent free tenures as early as possible. In the older provinces these investigations were so much delayed that the tenures acquired the force of prescription. In Punjab this development was to be avoided and steps were immediately to be taken to bring every acre of land under government assessment. This was to be done to give permanence and value to the tenures and to impress the people that they had no inherent rights in land by

60. H.M. Elliot, Secy. to the Govt. of India to the Members of the Board of Administration dated 31 March, 1849, Foreign Secret Pceedg. N. 73-5 dated 28th April, 1849.

61. Temple, Richard. *The Story of My Life*, Vol. II (London, 1896), p. 97.

virtue of long possession. In revenue matters generally the system introduced in North Western Provinces was to be followed.

These principles of administration were made public by the Proclamation which was issued by the Governor General in March 1849⁶². The government hoped by following these principles it would gradually gain the confidence of the people and before long convert the warlike people into industrious subjects. The following pages will reveal the extent to which these principles were put in operation and also show how far the government attained success by implementing them while building up the administration.

According to the policy of the government a large number of officers were summoned from North Western Provinces⁶³ immediately after annexation and placed at the Board's disposal. No time was lost to post them to their respective jurisdictions so that they might tour their districts, organise something like a police control, take possession of forts and public buildings and arrange for the collection of revenue. All these measures were carried out with rapidity and success.⁶⁴

The Government then directed its attention towards the establishment of peace in Punjab. By the disarming proclamation the people gave up their arms without hesitation or murmur⁶⁵. The dismantling of strongholds started vigorously but out of these some were preserved which the government required for political or military purposes⁶⁶. The Sikh military chiefs and soldiers were summoned to Lahore and were

62. Foreign Secret Procdg. Nos. 18-29 dated 28 April, 1849.

63. Some of them were : Mr. M.R. Montgomery, Mr. D.F. Macleod, Capt. D. Ross, Mr. E. Thornton, Mr. M.P. Edgeworth (Commissioners); Mr. A.H. Cocks, Major G. Lawrence, Capt. I. Abbot, Maj. H.B. Edwardes, Mr. E.C. Baybley, Lt. I. Nicholson, Lt. I.R. Becher, Mr. F.B. Pearson (Dy. Commissioners); Mr. P.H. Egerton, Mr. H. Brerton, Lt. C. Herbert, Lt. J.E. Fraser, Mr R.C. Lawrence, Lt. B.M. Loveday, Mr. G.F. Macleod, Mr. D. Simson, Mr. J.P. Forsyth, Mr. I.H. Prinsep, Mr. E.A. Prinsep (Asstt. Commissioners).

64. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 99.

65. Despatch to Secret Committee, No. 15 dated 20 March, 1851.

66. Foreign Misc. Series, S. N. 156, No. in the List, 356-59, para 101.

paid up and disbanded. The most promising among them were however taken into the British service but the rest were given gratuities and pensions. Large bodies of brave men, once so turbulent and formidable laid down their arms and engaged themselves in the tilling of the soil. It indicated their willing submission to the new government⁶⁷.

Enquiries into the legality of claims to *jagirs* and other privileges and immunities were at once set on foot. A special officer was appointed for the work. These proceedings involved not only a consideration of the grants themselves but also the discharge, the employment or the pensioning of the feudal families and military contingents which were no longer required for the service of the state. An armed police force, foot and horse, was organized both for the protection of the Frontier and the preservation of internal peace⁶⁸. Foundations were thus laid for the civil administration of the country which was now set in train. It is now necessary to discuss the growth of the administration of justice, police and jail administration, the improvements made in the field of education, public works and the organization of revenues and finances from 1849 to 1875.

67. *Idem*, para 102.

68. *Idem*, paras 103-6.

CHAPTER-II

ADMINISTRATION OF JUSTICE

The growth of administration of justice in Punjab may be divided into two distinct phases. The first covers the period 1849-66 when the system of the administration of justice was simple and Punjab Civil Code was in operation throughout the province. During the second phase from 1866-75, the system previously existing in Punjab was superseded by the Codes of Civil and Criminal Procedure for India because the Government of India wanted to have a uniform system for the whole of India. We shall first take up the period from 1849-66 and subsequently notice the changes effected in the judicial administration during the second phase.

Period I (1849-66)—Civil Code

The general object kept in view by the Board, when introducing their judicial system, was explained by them in 1851 to be "that substantial justice should be plainly dealt out to a simple people, unused to the intricacies of legal proceedings. They would endeavour to form tribunals which shall be open and accessible courts of justice, where every man may plead his own cause, be confronted face to face with opponents, may prosecute his own claim or conduct his own defence."¹

For the civil justice, according to the principles of administration,² the rules which were introduced in the Cis and Trans Sutlej areas in 1847 were introduced throughout Punjab after annexation. These rules were calculated to ensure substantial justice to the people but it was left to the officers charged with the administration to lay upon these the foundations of the judicial system, to improve, amend and elaborate them as practical experience might suggest. These rules, thus amended, were in 1853 reduced into a printed form and circulated to the officers in Punjab as a Manual which subsequently acquired

1. Foreign Misc. Deptt. S. No. 156, No. in the List, 356-59, para 221.

2. See Chapter I for the Principles of Administration.

its name as the Punjab Civil Code.

The Punjab Civil Code set forth the principles of Hindu and Muhammadan law, such as the rules of inheritance, property of females, adoption and disposition of property. On matters such as contracts, sales and mortgages, agency, bailment, usury, insolvency and libel, it laid down principles borrowed either from Regulation law or from European jurisprudence. It also described the circumstances when the law yielded to the *lex-loci* or the local customs. In commercial affairs, such as partnership and bills of exchange, it laid down the prevailing practices after ascertaining them from the heads of mercantile community. In certain subjects like betrothal, marriage and divorce it specified rules which, after five years experience of the administration of Punjab, were best calculated to promote its social welfare³.

It is however interesting to point out that modifications were made in the local customs when they were not found to be suitable to the people. Thus the custom, so commonly followed in Punjab, by which a person could purchase a woman with the consent of her parents or husband was put a stop to by the Government when it attracted its attention in 1851⁴. Similarly the custom of the shawl weaving trade by which the second employer of a workman had to pay half his debts ceased to be recognised by the courts in 1859. The second employer was thus sufficiently protected⁵.

The rules for civil procedure contained in the Code provided for the direct representation of persons in the courts without the intervention of pleaders. *Vakeels* and attorneys were thus discouraged. The cost of the serving process was charged in a lump sum on the institution of a suit instead of a separate payment for each process as in the Regulation Provinces. The litigants were allowed to take their cases to arbitrators but the court was given the power to reject or modify their award. Restrictions were placed on the indiscriminate sale of the land. These provisions sound strange but

3. Foreign Misc. Deptt. S. No. 156, No. in the List. 356 59, para 248-49.

4. Barkley, D.G. *Non-Regulation Law of the Punjab*, (Lahore, 1871), p. 119.

5. *Idem*, p. 121.

they were well suited to Punjab at the time⁶.

In 1853 the rules for civil law and procedure were submitted by Punjab Government to the Government of India for sanction. Government of India in reply expressed the opinion that the rules of law might be given to the officers on the Chief Commissioner's own authority, in the same mode as Circular Orders by the *Sadr Diwani Courts*⁷. The rules for procedure were however referred to the Law Commission which was at that time entrusted with the task of simplifying the Code of Procedure for India generally. There was as such no need to enact a code of civil procedure exclusively for Punjab⁸.

In 1859 when the Code of Civil Procedure for India became ready the Government of India invited the attention of Punjab Government to it and enquired what portion of it was not suited to Punjab. The object of making this reference was to have a uniform system of law all over India⁹. Punjab Government pointed out the following as the main objections to the introduction of the Code¹⁰:

- I. The Code of Civil Procedure assumed the existence of a separate judiciary for dispensing civil justice and a bar of authorized pleaders. Under the Punjab system both these conditions were wanting. The civil judges in Punjab acted as magistrates as well as the collectors of revenue and thus one set of officers administered every department of Government. The compulsory introduction of pleaders in the court as provided in the Code was also not suited to Punjab.

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6. R.H. Davies, Esq. Secy. to Govt. of Punjab and its Dependencies to the Secy. to the Govt. of India dated Lahore 13 September 1859. Foreign Procdg. Nos. 83-112 dated 11 November, 1859.
 7. P. Melville, Secy. to the Chief Commissioner, Punjab to I.J. Grant, Offg Secy. to the Govt. of India dated Lahore 25 July 1853. Foreign Procdg. Nos. 186-88 dated 18 November, 1853.
 8. Minute by Lord Dalhousie. Foreign Procdg. Nos. 186-88 dated 18 November, 1853.
 9. Under Secy. Foreign Deptt. to the Secy. to the Govt. of Punjab and its Dependencies dated 25 May 1859. Foreign Procdg. Nos. 83-112 dated 11 Nov. 1859.
 10. R.H. Davies, Esq. Secy. to the Govt. of Punjab and its Dependencies to the Secy. to the Govt. of India, Foreign Deptt. dated Lahore 13 September 1859. Foreign Procdg. Nos. 83-112 dated 11 Nov. 1859.

- II. The provision of the Code which provided that a suit should first of all be instituted in the lowest court was not suited to the litigants because in Punjab a suit could be instituted either in a *tahsil* or *Sadr* court according to the convenience of the plaintiff. Again the provision of the Code which prescribed punishment for not observing punctuality was not suited to the parties because in Punjab they themselves managed to go before the courts according to their convenience.

Under these circumstances Punjab Government suggested that it would be better if the adoption of the Code was postponed to some date in the future but at the same time expressed its willingness to adopt the same legal phrases and the same terms of legal services which were prescribed in the Code of Civil Procedure for India because it would ultimately help her to adopt the Code in its entirety. The adoption of this course was sanctioned by the Government of India in 1859¹¹.

The principles of law as well as the rules of procedure contained in the Punjab Civil Code guided the judicial courts and worked well in practice. The Governor General in Council finding these rules to be quite beneficial recommended their adoption in Oudh in 1856¹². In 1866 with the introduction of the Code of Civil Procedure for India in Punjab the rules of procedure contained in the Punjab Civil Code were superseded¹³ because the Government of India wanted to have a uniform system of law for the whole country.

Penal Code

According to the policy of the Government the criminal law in Punjab was based upon the code of the Presidencies. The spirit of that code was retained but modifications were made in it to suit the requirements of Punjab¹⁴. Thus gang robbery which was considered dangerous for the society was punished with severity¹⁵ and in cases of murder or serious

11. *Idem*.

12. Parliamentary Papers relating to Oudh, 1856 quoted in Barkley's Non-Regulation of the Punjab (Lahore, 1871). p. 149.

13. *Idem*, p. 56.

14. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 94.

15. *Idem*, para 193.

wounding the ring leaders were sentenced to capital punishment¹⁶. Cattle lifting was punished with corporal punishment¹⁷, child stealing with 10 to 15 years imprisonment¹⁸ and adultery and torture with long terms of imprisonment ranging from 2 to 7 years¹⁹. For other offences like theft and burglary the punishments were similar to those awarded in the older provinces.

The chief defect in the criminal law was that imprisonment was the only mode of punishment. The other admitted defect was that for minor offences the terms of imprisonment were too long²⁰. To remove these defects, in 1859 changes were made in the criminal law by introducing the penalties of fine and flogging. The Judicial Commissioner was empowered to fine upto rupees two thousand; Deputy Commissioners upto rupees five hundred; Assistant Commissioners upto rupees two hundred and *tahsildars* upto rupees fifty. The courts were given the power to realise the fine by selling the personal property of the convicts²¹ other than land. Land could only be sold in special cases with with sanction of the Judicial Commissioner²².

This change in the criminal law modified the penalty of imprisonment. Offences were now divided into three classes (i) those in which imprisonment was necessary besides fine or other punishment²³ (ii) those in which it may or may not be ordered in addition to fine or other punishment²⁴ and (iii) those in which it was entirely prohibited, except as the alternative in case of

16. *Idem*, para 194.

17. *Idem*, para 198.

18. *Idem*, para 199.

19. *Idem*, para 200.

20. Judicial Commissioner, Punjab to the Secy. to the Chief Commissioner, Punjab, Letter No. 642-5408 dated 29 Dec. 1859. Barkley's Non-Regulation Law of the Punjab (Lahore, 1871) pp. 86-7.

21. Despatch from the Secretary of State (Judicial), No. 65 dated 8 December, 1859.

22. Minute by Judicial Commissioner of the Punjab. Barkley's Non-Regulation Law of the Punjab, (Lahore, 1871), p. 90.

23. These offences were : dacoity, highway robbery, burglary, cattle theft, arson, rape.

24. These offences were : assault with wounding, forgery, abduction of women, abortion, adultery, bribery, breach of trust, cheating, embezzlement, suicide.

non-realization of fine.²⁵ Flogging was also legalised and at a time forty stripes could be inflicted on the back of a convict.²⁶ These changes in the criminal law were superseded by the Indian Penal and Criminal Procedure Codes which came into force in Punjab with effect from 1st January, 1862. The Judicial Commissioner and the Sessions Judges now decided cases in conformity with the Codes and no longer adhered to the rules which were previously in force in Punjab.²⁷

Procedural Reforms (1849-66)

We may now examine the various reforms that were made regarding the procedure that was followed in the courts. The importance of settling disputes by arbitration, the role of pleaders, the method of issuing summons, the execution of decrees, the system of registration and the mode of making appeals will now be explained one by one :

- (1) *Arbitration* :—In order to maintain the village communities and give the people an opportunity in assisting the administration the litigants were encouraged to refer the issues between them to arbitrators with the consent of the courts. This system worked well and served its purpose admirably. The awards of arbitrators were however carefully scrutinised and out of the cases arbitrated by them, in about one third the award was modified by the courts.²⁸
- (2) *Pleaders* :—It was an important feature of the system of civil procedure to allow the parties to plead their own cases in the courts.²⁹ Pleaders were not encouraged to go before the courts because they were not qualified. Beginnings were however made in this direction in 1861 by sending instructions to the Director of Public Instruction to form law classes in the Government schools.³⁰

25. Abusive or threatening language, drunkenness or other disorderly conduct, public indecent exposure of person, trespass.

26. PAR 1859-60 (Lahore, 1860), para 17.

27. PAR 1862-63 (Lahore, MDCCCLXIII), para, 28.

28. Foreign Misc. Deptt, S. No. 157, No. in the List, 364, para 9.

29. Idem, para 18.

30. PAR 1866-67 (Lahore, 1867), para 38,

- (3) *Serving Process* :—The system in force in Punjab in regard to *Tulabana* was to charge the fees from the plaintiff in a lump sum on the institution of a suit at the rate of one per cent on the value of the suit.³¹ No extra charge was made whatever for the number of processes issued. The system was simple and convenient but complaints were common that it led to reckless summoning of a large number of witnesses and to protracted enquires.³² It was therefore proposed to modify the system and charge a reduced *ad-valorem fee per process* instead of a consolidated fee once for all.^{32a}
- (4) *Execution of Decrees* :—In the execution of decrees the defendants were allowed to make payments in instalments and care was also taken to see that landed property was not unnecessarily brought to the hammer.³³ Punjab in this respect profited from the experience gained in Bengal and North Western Provinces because the sale of property in these provinces had created bitterness and disaffection against the Government.³⁴ Such a step was particularly needed in Punjab because the money lenders had no sympathy with the poor cultivators and charged exorbitant rate of interest to impoverish them.³⁵ In 1859 the sale of land in execution of decrees was prohibited³⁶ in Punjab except with the express permission of the Judicial Commissioner. This measure proved beneficial because it fully safeguarded the interest of the culti-

31. PAR 1866-67 (Lahore, 1867), para 38.

32. PAR 1865-66 (Lahore, 1866), para 15.

32a. This proposal was accepted in 1866.

33. Foreign Misc. Deptt. S. No. 156, No. in the List, 356-57 : para 227.

34. Extract from the Abstract of the Procdgs. of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic. Cap. 67 dated 5th September, 1871.

35. General Report on the Administration of British India, 1859 (Calcutta, 1861), p. 374.

36. R. Simson Esq. Secy. to the Govt. of India to R.A. Davies, Secy. to the Govt. of Punjab dated Allahabad the 21 January, 1859. Foreign Procdg. No. 146 dated 15 April, 1859.

vators.³⁷

- (5) *Registration* :—For the registration of deeds offices were opened in all districts. A fee of one rupee was paid on the registry of a deed and of eight annas on a copy being taken from the Registry Book.³⁸ These rules regarding registration were mainly taken from the Regulations but the terms of limitation were greatly changed by orders issued under the authority of the Governor General. During early years, in Punjab, the plaintiffs brought antiquated claims before the courts within a period of 12 years as provided in the Limitation Statute. They made fictitious entries in account books and on their basis secured bonds from the defendants, mostly agriculturists, for the gradual payment of their debts. This put the defendants in trouble and so when they failed to make the necessary payment the plaintiff sued them.³⁹ The defendants or agriculturists were therefore at a great disadvantage. In order to help them the Government reduced the period of limitation from 12 to 6 years in 1856 and declared that suits would not be recoverable in courts after 1st May, 1857.⁴⁰ This measure proved beneficial⁴¹ because immediately all claims were brought before the courts many of which were found to be fabricated⁴². In 1859 the period of limitation was similarly reduced from 6 to 3 years.⁴³ These reforms of course provided relief to the defendants or the agriculturists but as yet the system of evidence was not good because the bonds were not attested and no check was kept on

37. Despatch from the Secy. of State (Judicial), No. 65 dated 8 December, 1859.

38. Section XI Rules for the Administration of Civil Justice in the Punjab published by order of the Right Honourable the Governor General of India, Meerut, 1849.

39. Foreign Misc. Deptt. S. No. 156, No. in the List, 356-57, para 227.

40. PAR 1856-57 and 57-58 (Lahore, 1858), para 8.

41. Despatch from the Secretary of State for India (Judicial), No. 65 dt. 8 December, 1858.

42. PAR 1856-57 and 57-58 (Lahore, 1858), para 8.

43. Despatch from the Secretary of State for India (Judicial), No. 65 dated 8 December, 1859.

account books which remained with the plaintiffs. In 1859 steps were therefore taken to improve the regulation of documentary evidence. Registration of deeds above 50 rupees was now made compulsory and the Government issued standard ledger and day books for the proper maintenance of accounts by the plaintiffs.⁴⁴ These reforms resulted in the increase of parole debts⁴⁵ because suits below 50 rupees were not registered and as such contained no reference in the account books. This increase of parole debts was pernicious because it excluded written evidence and in its place substituted oral evidence of still less value.⁴⁶

- (6) *Appeals to Courts* :—Appeals made in the lower courts of Punjab were completely investigated by the higher courts. This was done because in the beginning the judges of the lower courts who performed executive and revenue duties were neither assisted by qualified pleaders nor given any special training for judicial work.⁴⁷ Initially the increase of appeals was viewed favourably because it showed that the people gained confidence in the courts⁴⁸ but in 1857 when their increasing number clogged the action of the courts the Government seriously thought of putting some restrictions on the right to make appeals.⁴⁹ Accordingly in 1859 it was ordered that a second appeal would only be allowed when a distinct error of law would be pointed out in the decision of a *Tahsildar* which was invariably confirmed by the Deputy Commissioner.⁵⁰ This ruling checked the increasing number of appeals and served its purpose admirably.

44. Idom.

45. 1860 : 11,344
1866 : 24,032.

46. PAR 1866-67 (Lahore, 1867), para, 3.

47. PAR 1861-62 (Lahore, MCCCLXII), para 8.

48. PAR 1852-53 (Lahore, 1854), para 246.

49. Foreign Misc. Series, S. No. 157, No. in the List, 365, para, 9.

50. R. Simson, Esq. Secy. to the Govt. of India to R.H. Davies, Secy. to the Govt. of Punjab, dt. Allahabad 21 January, 1859. Foreign Procdg. No. 145 dt. 15 April, 1859.

Constitution of Courts

Prior to 1860 there were four kinds of courts in Punjab which were presided over by Deputy Commissioners, Assistant Commissioners, Extra Assistants and *Tahsildars* or Revenue Officers. The Deputy Commissioners tried all suits exceeding in value Rs. 1,000; the Assistant Commissioners tried suits upto Rs. 1,000; and the Extra Assistant Commissioners performed the duties assigned to Assistant Magistrates, Deputy Collectors and subordinate judges in other provinces. The *Tahsildars* exercised the powers of a civil judge and tried suits not exceeding Rs. 300.⁵¹ The lowest, the most popular and accessible were the *Tahsildari* Courts. These courts were centrally situated. Each person who left his home in the morning could return home in the evening after transacting his business in the court. Justice was thus brought near to the poor man's door. Two-third of the judicial business in Punjab was performed in these courts.⁵²

In 1860 the Government of India passed an Act for the establishment of courts in all the provinces for recovering small debts and demands.⁵³ Small Cause Courts were accordingly established at five places in 1861, viz., Delhi, Simla, Lahore, Peshawar and Amritsar but in 1864 their number increased to eight. During 1865 one-fifth of the total litigation of Punjab was disposed of by the judges of these courts. These courts were very popular and afforded relief to the ordinary courts of the districts in which they were established.⁵⁴ Persons with an outstanding judicial aptitude were selected as its judges because there was no appeal against their decisions.⁵⁵ These courts transacted purely judicial business and gave decisions in conformity with the Code of Civil Procedure for India.⁵⁶

According to the policy of the Government of India a Chief Court was established in Punjab by Act XIX of 1865.⁵⁷

51. Foreign Misc. Deptt. S. No. 157, No. in the List, 363 para 237.

52. Foreign Misc. Deptt. S. No. 157, No. in the List, 364 para 7.

53. PAR 1861-62 (Lahore, MDCCCLXI), para 14.

54. PAR 1864-65 (Lahore, 1865), para 12.

55. PAR 1866-67 (Lahore, 1867), para 19.

56. Report on the Administration of Civil Justice in the Punjab, 1862 (Lahore, 1863).

57. Despatch from the Secretary of State (Legislative) No. 11 dated 17 March, 1865.

This Act placed the judicial system upon a recognised legal basis and transferred suits regarding land, or "the rent, revenue or produce of land" from the revenue to the civil courts except in districts where a settlement of land revenue was in progress. This change was nominal because the courts and judges remained the same as before but rules of procedure were now more strictly observed in the courts which were placed under the over-all supervision of the Chief Court.⁵⁸

According to Section 13 of this Act suits could be instituted in the court of lowest jurisdiction but Section 15 gave power to the Deputy Commissioners to remove any case from one subordinate court to his own or to another subordinate court. This was not in accordance with the previous practice, according to which the courts at the *Sudder* Station possessed concurrent jurisdiction with the *Tahsil* Courts, and plaintiffs at their own option instituted a suit either in the *Tahsil* or in the *Sudder* Court. The new law was objected to on two grounds: firstly, it caused inconvenience to the plaintiffs and delay in the disposal of cases. This could not be helped because the number of suits in some localities was so large that the *Tahsil* officers could not dispose them of. The only alternative was to withdraw suits from the *Tahsil* to the *Sudder* Courts. Secondly, the concurrent jurisdiction of the *Tahsil* and *Sudder* Courts was abused. It frequently happened that plaintiffs lodged suits at the *Sudder* in preference to the *Tahsil* Courts not for the purposes of justice but to cause annoyance to the defendant.⁵⁹

This Act of 1865 also enhanced the jurisdiction of Assistant Commissioners with full powers. It gave Commissioners of Divisions jurisdiction in original as well as appellate cases. It also gave power to Punjab Government to invest *Naib Tahsildars* with judicial powers and to appoint additional judges to dispose of arrears which may accumulate in any District or Divisional Court.⁶⁰

In 1866, the Chief Court was opened and started functioning with Mr. A.A. Roberts, the former Judicial Commissioner, and Mr. C. Boulnois, Barrister-at-Law, the former first

58. PAR 1865-66 (Lahore, 1866), para 17.

59. Idem.

60. Idem.

judge of the Calcutta Court of Small Causes, as its judges.⁶¹ With the establishment of this Court, the first attempt at the periodical publication of its decisions was also made by proprietors of Punjab Printing Company. Upto this period no reports of decided cases were published. Precedents were thus unknown. The provisions of the Punjab Civil Code and the circulars of the Judicial Commissioner constituted the entire *corpus juris civilis* of the Courts. The importance of the periodical publication of the decisions of the Chief Court was to bring about uniformity in the interpretation of the law.⁶²

Thus we see that upto 1866 the simple procedure of the Punjab Civil Code was maintained. The absence of a separate judicial agency and a qualified bar had so far prevented the introduction of more voluminous codes. But with the increase of wealth, commerce and education in Punjab, the time had now come for the gradual introduction of a more precise procedure and a more elaborate system.⁶³ In 1866, therefore, Act VIII of 1859 was extended to Punjab. This was the Code of Civil Procedure of the Regulation Provinces.⁶⁴

With the extension of these Acts to Punjab the law regulating the administration of civil justice in Punjab was assimilated to that in force in North Western Provinces. The same procedure obtained in the courts of original jurisdiction and the same Stamp Acts were in force in both the provinces. The law regulating the qualification and admission of pleaders was the same. The same Law of Limitation applied, and the same Evidence Act was in operation. The laws of the two provinces were to be still more closely assimilated on the extension of the Act for the Registration of Assurances and the Act for regulating the employment and remuneration of peons for the service of the civil process to Punjab.

There were however some points of distinction which still remained between the judicial systems of the two provinces. Firstly, there was a separate judicial agency in North Western Provinces for the trial of civil suits. In Punjab, civil as well

61. PAR 1866-67 (Lahore, 1867), para 1.

62. PAR 1866-67, (Lahore 1867) para 17(3).

63. Minute by Hon'ble Sir Robert Montgomery, Political 'A' Procdg. Nos. 63-64 dated January, 1865.

64. PAR 1866-67 (Lahore, 1867), para 1.

as criminal justice was administered by officers who were charged also with executive and administrative duties. Secondly, under the Punjab appellate system litigants were allowed to prefer an appeal from every order or decision of a subordinate court to the different Appellate Courts, according to their jurisdiction and ultimately to the Chief Court. In North Western Provinces only one regular appeal on the facts was specially allowed on points of law, but it was made to the High Court and not to any other court. Thirdly, in North Western Provinces suits for rent, revenue or land were heard by Collectors, exercising jurisdiction under Act X of 1859. In Punjab these suits were heard in the ordinary Civil Courts.⁶⁵

Period II (1865-75)—Laws

After the passing of the Indian Councils Act, 1861 it became necessary to announce the laws which were in force in Punjab. Section 25 of this Act gave force of law to all the orders⁶⁶ which were hitherto issued by Punjab officials although they were not intended to be laws or regulations.⁶⁷ This created a great confusion and it became necessary to consolidate all the rules and orders which were in operation in Punjab. We may cite here three distinct instances illustrating the extent of the inconvenience that was caused to the people by this state of law.

(1) In the Governor General's Council a discussion arose on Punjab Tenancy Act on the question whether Bengal Regulation VII of 1822 relating to Settlement Law was or was not introduced into Punjab. This was a question upon which any two persons might form different opinions. The view taken by Richard Temple and Lord Lawrence, on the one side, was entirely different from the view taken by a distinguished settlement officer Mr. Prinsep, on the other. The Chief Court of Punjab took the same view as Mr. Prinsep and upheld his argument that Regulation VII was legally introduced in Punjab. The view taken by Lord Lawrence and Sir Richard Temple

65. *Idem*, para 41.

66. Memorandum on the legal position of the Punjab and its Dependencies dated 13th January, 1865. Legislative Procdg. No. 334 dated May, 1872.

67. Mr. Stephen on the Punjab Laws Bill. Legislative Procdg. No. 31 dated May, 1872, p. 58.

was that Regulation VII of 1822 was never introduced into Punjab and was given to the settlement officers as a guide to help them in making settlements in Punjab⁶⁸. But Mr. Prinsep reversed a number of decisions which were given by the early Settlement Courts by reducing to the status of tenants-at-will a large number of tenants recorded in the previous settlements as having a right of occupancy⁶⁹. This controversy between two leading authorities clearly showed the extreme importance of putting into a definite shape the laws which were in force in Punjab.

(2) In Punjab the criminal tribes were not permitted to leave a district without the prior permission of the police authorities because rules for their control and surveillance were long before in force and were acted upon for a considerable time. The Chief Court of Punjab declared that these rules had not the force of law and that they did not form part of the rules which were confirmed by the Indian Councils Act. The effect of this ruling was that a number of wandering criminal tribes were set free from all control. A number of officers in Punjab were accused of having done a series of illegal acts when they supposed they were discharging their duties. This again was another instance of the extreme practical inconvenience of the uncertainty as to what was or what was not the law in Punjab⁷⁰.

(3) The insolvency rules contained in the Punjab Civil Code were different from those prevalent in other parts of India. Under the Code of Civil Procedure the rule governing the disposal of property of a debtor towards the payment of the loan of his creditors was rather strange. It laid down that the man who got the first judgment among the creditors should be paid in full; whereas the other creditors distributed among themselves the remaining property or assets of the debtor. This

68. *Idem*.

69. T.H. Thornton, Esq. Secy. to the Govt. of the Punjab to A.O. Hume, Secy. to the Govt. of India, Home Deptt. No. 789 dt. Lahore, 23 December, 1870. Foreign Revenue A Procdg. Nos. 10-15 dt. March, 1871. *See also* Tenant—Right controversy—Chapter VII—for details.

70. Mr. Stephen on the Punjab Laws Bill, Legislative Procdg. No. 381 dated 1872 (page 59).

was not at any time the law in Punjab. The procedure hitherto followed towards repayment of the loan of the creditors was that the property of the debtor should be divided proportionately among the creditors, *i.e.*, the value of the property and other assets of the debtor should be equitably assessed and must be so divided among the creditors that every one of them should get a fixed ratio. One of the Judges of the Chief Court held in the case of *Atar Kaur vs. Atma Singh* (1870)^{70a} that these rules had not the force of law and declared them null and void. Another Judge, in *Bick's case* (1867)^{70b} held with equal earnestness that they had the force of law⁷¹.

Punjab Laws Act of 1872⁷² cleared away the doubts which existed as to the legal force of the Punjab Civil Code, the Bengal Regulations, and various administrative rules and orders which were believed to have acquired the force of law under the Indian Councils Act. This was done by distinctly laying down which of the Acts of the Governor General were in force in Punjab, and by re-enacting in simple and clear language those portions of the Punjab Civil Code, the Regulations or the orders of the Government which it was considered essential to preserve. This Act prescribed that in questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, bastardy, family relations, the custom of Punjab would guide the Courts unless they are contrary to 'justice, equity or good conscience'⁷³. The law of Punjab now became as definite as the law of any other province of India⁷⁴.

Procedural reforms (1866-75)

The Code of Civil Procedure for India (Act VIII of 1859)

70a. Barkley, D.G. Non-Regulation Law of the Punjab, (Lahore, 1871), p. 149.

70b. *Idem*, p. 151.

71. Mr. Stephen on the Punjab Laws Bill, Legislative Procdg. No. 381 dated May, 1872 (page 59).

72. See Appendix I for full text of the Act.

73. PAR 1871-72 (Lahore, 1872), para 168 (5).

74. Extract from the Procdgs. of the Council of Governor General of India assembled for the purpose of making Laws and Regulations under the provision of the Act of Parliament, 24 and 25 Vic. Cap. 67, dated 26 March, 1872.

was extended to Punjab in 1866. It is therefore, necessary to examine its effects upon the reforms that were previously introduced in Punjab.

1. *Arbitration* :— The previous rules relating to arbitration were superseded. Arbitrators were now only appointed with the consent of the parties and their award was final. This resulted in a decrease in the number of cases referred to them because the attraction for the modification of their decision ceased to be there.⁷⁵ Another cause for the decrease in these cases was that arbitrators now began to accept bribes from the people and this made them unpopular.⁷⁶ The litigants therefore gradually abandoned arbitration in favour of decisions by the civil and criminal courts.⁷⁷

2. *Pleaders* :—Pleaders were now admitted in the courts. They were permitted to practice in the Chief Court and other subordinate courts of Punjab. Rules were issued for their qualification, admission and enrolment in the courts as well as for the payment of fees to them for their professional advice.⁷⁸

3. *Serving Process* :—The system of *Tu'abana* hitherto followed in Punjab was not in accordance with the provisions of the Code of Civil Procedure and it required revision. The rates at which the fees were levied yielded much more than was required for the actual service of process. With the introduction of the system of stamps on petitions of plaint the rates of *Tulabana* pressed heavily upon litigants.^{78a}

Hitherto, under the Punjab system, a peon charged with the service of summons ordinarily accompanied the defendant into Court, though he was prohibited from using any force in causing his attendance. In North Western Provinces it was the practice merely to serve the summons upon the defendant, and this was all that was required by Act VIII of 1859.^{78b} The Chief Court recommended the extension of this system to Punjab in 1866.⁷⁹

75. PAR 1866-67 (Lahore, 1867), para 12.

76. Report on the Administration of Civil Justice in the Punjab. 1870 (Lahore, 1871), para 121.

77. Report on the Administration of Civil Justice in the Punjab, 1871 (Lahore, 1872), para 73.

78. PAR 1866-67 (Lahore, 1867), para 39.

78a. PAR 1866-67 (Lahore, 1867), para 38.

78b. Idem, para 15.

79. Idem, para 38.

6. *Appeals to Courts* :—The Act regulating the Chief Court (Act IV of 1866) made no provision for an appeal from a decree made by a single judge in the exercise of original jurisdiction. The consequence was that cases which were heard in the first instance before a single judge were subject to no appeal whatever within the limits of India. These cases had to go up to the Privy Council if the parties desired to appeal at all. This caused much waste of time and money. In 1875 an Act (No. XIX of 1875) was passed, and it authorized an appeal in such cases to a bench of two judges of the same Court. This was known as Punjab Chief Court Appeals Act.⁸⁶

86. PAR 1875-76 (Lahore 1876), para 71.

Working of the Courts

The working of the Courts may be divided into two periods, viz., 1849 to 1866 and 1866 to 1875 :

Period—I. (1849-66)

During this period more and more cases were coming up before the courts⁸⁷ until in 1858 the proportion of the suits in Punjab exceeded that of the Bengal Presidency and other parts of India.⁸⁸ The increase in civil cases was due to the frequent reduction in the period of limitation within which suits could be brought before the courts. Towards the end of 1856, as we have seen, the period of limitation of suits on bonded debts was reduced from 12 to 6 years⁸⁹ and in 1859 from 6 to 3 years.⁹⁰ The increase in the number of criminal cases was however due to the efficiency of the police administration.⁹¹

During the mutiny the courts were closed down for months because the judicial officers were far too pre-occupied with the pressing duties concerning the public safety. It was after the fall of Delhi in September 1857 that officers resumed their judicial duties.⁹² Notwithstanding the interregnum of five months during the year of revolt there was more civil business done than in the previous year of peace.⁹³ The despatch of criminal business was also just as prompt and regular as in peaceful times. It is interesting to note that there was rather a diminution in petty and violent crime during the period as compared with the previous year.⁹⁴

87. 1852 : 40, 113 cases.

1853 : 50, 563 cases.

1854 : 59, 848 cases.

1855 : 61, 829 cases.

88. Foreign Misc. Deptt. S. No. 157. No. in the List, 365, para 3.

89. PAR 1856-57 and 57-58 (Lahore 1858), para 3.

90. Despatch from the Secretary of State (Judicial), No. 65 dated 8 December, 1859.

91. Foreign Misc. Deptt. S. No. 157, No. in the List, 363, para 207.

92. Foreign Misc. Deptt. S. No. 157, No. in the List, 365, para 4.

93. *No. of suits instituted* *No. of appeals to courts*

1858 : 10,088 493

1857 : 16,132 686

94. *No. of cases brought before the courts.*

	June	July	August	September
1856 :	2,953	3,349	2,784	2,419
1857 :	2,470	2,327	1,808	1,851

From these facts we can easily infer that during the Mutiny the judicial system was not seriously disturbed in Punjab. In the older provinces, however, the elaborate and technical judicial system drove many people into rebellion.⁹⁵

Form what has been said above it is not difficult for us to conclude that the people of Punjab evinced a readier disposition to refer their quarrels to the authorized tribunals. This was encouraging and showed that the people had confidence in the courts.⁹⁶ The judicial administration was popular and justice was brought near to the peasant's door by means of *Tahsildari* courts. These courts disposed of more than half of the judicial work. The Punjab Code with its brief laws and simple procedure remained in full force during this period of our study.⁹⁷ Small Cause Courts which were established in 1860, however, worked under the Code of Civil Procedure.

Period—II—(1866-75)

During this period the work of the civil courts considerably increased. This was the result of the transfer of suits regarding land to the civil side of the courts under the operation of Act XIX of 1865,⁹⁸ and the increase in wealth in Punjab.⁹⁹ In 1868 Punjab Government drew the attention of the Government of India to the great increase of judicial work during the last few years and the inadequacy of the existing judicial agency which was framed by Mr. Cust in 1862 at as low a scale as was compatible with efficiency. But between the year 1862 and the year 1868 the number of civil suits decided increased from 99,852 to 151,827, the number of criminal cases from 34,600 to 52,760, and the number of miscellaneous cases from 60,161 to 88,846. It was pointed out that the work could not be continued

95. G.C. Barnes, Esq., Commissioner and Superintendent, Cis-Sutlaj States to R.H. Davies, Esq. Secy. to the Punjab Govt. and its Dependencies dated 31st August, 1859, Foreign Procdg. No. 101 dated 11 Nov. 1859, Foreign Procdg. No. 101 dated 11 Nov. 1859.

96. Foreign Miscellaneous Department, S. No. 157, No. in the list, 364, para 6.

97. Foreign Miscellancons Department, S.No. 157, No. in the list, 365, para 3.

98. PAR 1865-66 (Lahore, 1866), para 1.

99. PAR 1866-67 (Lahore, 1867), para 5.

and performed with the same despatch or that its quality would improve, unless the judicial staff was increased considerably above its present strength. It compelled the officers of Government to neglect the important executive duties of their offices.¹⁰⁰

In the earlier days of the administration, executive business was not so heavy as now, civil suits far less numerous, procedure less elaborate, and pleaders unknown. The judicial business did not usurp much of the time of the officers of Punjab. But now there was a great increase of executive business, an enormous increase of litigation, and a great elaboration of judicial system. In civil suits the Code of Civil Procedure was followed. Issues were carefully drawn and a memorandum of the substance of evidence was recorded by the officer trying the case. Session's cases were no longer disposed of on perusal of the record but a regular trial was held. Lastly, all the Courts worked under the vigilant eye of the judges of the Chief Court, who paid more attention to procedure and greater care in the dispensation of judicial business than was the case in the days of the Judicial Commissioner. It stands to reason, therefore, that the agency which was barely sufficient to discharge the combined judicial and executive duties in 1862 was utterly inadequate to perform satisfactorily the same functions in 1869.¹⁰¹

A further proof of the inadequacy of the judicial establishment will be apparent from a comparison of the statistics of North Western Provinces and Punjab. In North Western Provinces in 1867, the *Moonsiffs* who were purely judicial officers disposed of annually, on an average, about 360 civil suits. In Punjab in 1868, every *Tahsildar*, on an average disposed of 423 civil suits in addition to criminal cases and also performed the multifarious duties appertaining to a Sub-Collector of Revenue.¹⁰²

Again, in North Western Provinces in 1867 District Judges disposed of, on an average, 639 civil suits and appeals. In Punjab in 1868 the Commissioners of Divisions disposed of,

100. T.H. Thornton, Esq. Secy. to the Govt. of Punjab to E.C. Bayley, Esq. Secy. to the Govt. of India Home Judicial Procdgs. Nos. 42-54 dt. 24th Dec., 1870.

101. T.H. Thornton, Esq. Secy. to the Govt. of Punjab to E.C. Bayley, Esq. Secy. to the Govt. of India, Home Judicial Procdgs. Nos. 42-54 dated 24th Dec., 1870.

102. *Idem*.

on an average, 583 civil appeals in addition to performing the duties of Commissioner of Revenue and Circuit, from which judges of North Western Provinces were altogether relieved. Yet in the case of the two provinces, the disposal of civil and criminal cases was regulated by the same law of procedure¹⁰³.

It follows, therefore, that the work done by Punjab officials, executive and judicial, suffered, especially the latter. It was therefore necessary to provide some means for relieving officers of the great and increasing pressure of judicial work, or else the administration of Punjab and the development of its revenues and resources would be seriously neglected. The judges of the Chief Court proposed to provide some increase of staff out of the surplus *tulubana* income amounting to nearly 2,00,000 rupees per annum. The Supreme Government declined to sanction expenditure from the surplus *tulubana* fund. Most stringent injunctions were issued to Punjab Government to avoid submitting proposals involving *increase* of existing expenditure¹⁰⁴.

These facts established conclusively that the two branches of the service ought to be separated. The Government of India therefore preferred the introduction into Punjab of a system similar to that which prevailed in Bengal and North Western Provinces¹⁰⁵. A scheme was accordingly prepared in 1870 on these lines and the opinion of Punjab Government was sought on this question. Punjab Government however felt that it was not desirable to introduce a complete separation between the judicial and executive duties of officers. It was feared if this was done the popularity of the non-regulation system would be injured¹⁰⁶. The following arguments were given by Punjab Government in support of their stand :

First : The litigation of Punjab was for the most part of a very simple character. No special trained agency for the disposal of cases was necessary.

103. Idem.

104. Idem.

105. A.O. Hume, Esq., Offg. Secy. to the Govt. of India to the Secy. to the Govt. of Punjab, dt. Fort William the 23rd December, 1870. Home Judl. Proceeding Nos. 42-54 dated 24 December, 1870.

106. Sir Richard Temple on Punjab Government Scheme for strengthening the Administrative Services. Home Judicial Procdg. Nos. 128-46 dt. June, 1875.

Second : The civil servants received sufficient legal training and there was as such no need to separate the executive and revenue branches of administration.

Third : The employment of officers in separate departments would make it more difficult for Punjab Government to make use of the services of some of its most experienced officers for executive duties in emergencies.

Fourth ; The officers who were in administrative charge of a district paid more attention to the working of the civil courts and got more opportunity to remain in touch with the people while touring the districts. This would not be the case with officers who would only perform judicial duties.

Fifth : There were many districts in which the constant pressure of judicial work upon the Deputy Commissioner was such as to interfere very seriously with the proper discharge of his executive functions. At the same time, there were many *tahsils* in which the *tahsildar's* attention was much distracted from the revenue duties for which he was primarily appointed. There was other districts and *tahsils* in which the judicial work was not so heavy as to render necessary any appointment of a special officer for judicial work, and if a complete separation were determined on, it would be necessary to make separate provision for the civil judicial work of the latter as well as the former.

Lastly : The frontier districts were excluded from the scheme formulated by the Government of India for the separation of executive and judicial work although the pressure of judicial work was quite as much felt there as in the Cis-Indus districts¹⁰⁷.

On these grounds Punjab Government represented that the reform of the judicial administration should take the direction rather of increasing the strength of the existing establishments than of a complete separation between the judicial and executive services. This course was acceptable to the Government of India¹⁰⁸. A scheme for providing additional judicial agency, and thus relieving the over-worked executive officers was submitted by

107. D.G. Barkley, Esq., Assistant Commissioner on Special Duty to T.H. Thornton, Secy. to the Govt. of Punjab, dt. Lahore, the 11 March 1873. Home Judicial Procdg. Nos. 128-46 dt. July, 1875.

108. Arthur Howell, Esq., Offg. Secy. to the Govt. of India, Home Deptt. to the Secy. to the Govt. of Punjab, No. 396, dt. 27th February 1875. Legislative Procdgs. Nos. 10-21 dt. July, 1875.

Punjab Government to the Government of India in 1870. Due to financial difficulties it could not be sanctioned until the end of 1874. With its sanction in 1875 the number of judges in the courts for the disposal of petty debts was strengthened. A judge or *Moonsif* was attached to each sub-district or *tahsil* belonging to Punjab in an area where the number of suits was large. It thereby set free the *tahsildar* from the more efficient performance of his executive functions and those portions of his judicial duties which related to land administration. The Deputy Commissioners of 32 Districts were relieved of undue pressure of judicial work by the appointment of a subordinate Judicial Assistant with concurrent jurisdiction by whom the bulk of judicial cases was disposed of¹⁰⁹.

This scheme, however, answered the expectations of the people. It immensely relieved the Deputy Commissioners and *tahsildars* of desk-work and thereby greatly strengthened the executive administration. This was done without disassociating those officials from all connection with the judicial administration of their charges. It, at the same time, made justice more accessible to the poorer classes of suitors, and opened out a career for a large number of people in Punjab.¹¹⁰

The judicial scheme thus suffered from the varying conditions of the Imperial Treasury in common with many other public works and measures.¹¹¹ If portions of it were incomplete,¹¹² it was due to the fact that it was impossible to contract or expand the scheme in proportion as funds were limited or plentiful. It was however, an immense improvement on the previous system and may justly be considered a step towards the separation of judicial and executive functions which existed in other parts of India.¹¹³

109. Arthur Howell, Esq., Offg. Secy. to the Govt. of India to the Secy. to the Govt. of Punjab, No. 296, dt. Fort William, the 27th February, 1875.

110. PAR 1874-75 (Lahore, 1875) See General Summary.

111. See Chapter on 'Revenue and Finance for details.

112. The scheme as originally submitted to the Government of India provided also for relieving Commissioners of Divisions from the pressure of judicial business which interfered with the proper discharge of their important administrative duties. This portion of the scheme was not sanctioned by the Government of India.

113. PAR 1875-76 (Lahore, 1876), para 37.

A review of the developments made in the administration of justice leads us to the conclusion that by 1875 the judicial system of Punjab was placed upon a sound basis. The rough and ready system of Ranjit Singh was completely changed and harsh punishments like mutilation which might be regarded as a continuation of Muslim justice were abolished and replaced by simple ones. Upto the year 1866 the rules relating to pleaders, arbitration, serving of processes, the execution of decrees and the system of registration were governed by the Punjab Civil Code and were quite simple. But after 1866 the judicial machinery was entirely altered. The Code of Civil Procedure for India and the Indian Penal Code were introduced in Punjab and the system of judicial administration was brought on the same pattern as that of Bengal and North Western Provinces. Punjab had now a well organized system of courts and uniform system of law and procedure. The main requisites of justice—impartiality, promptness, accessibility and effectiveness—were to a considerable extent present in the judicial system of Punjab.

CHAPTER III

POLICE ADMINISTRATION

The police faced a number of problems after the annexation of Punjab. Such crimes as *thuggee*, dacoity, infanticide, murder, adultery and cattle-lifting were rampant and the life and property of the people were not at all secure. The Government therefore made it a part of their policy to put an end to these criminal practices with an iron hand. Success soon came in its way and, as we shall see, the element of insecurity was greatly reduced.

Preventive and Detective Police

For the maintenance of law and order a strong police force was from the first felt to be necessary. Under the Board of Administration the police was divided into two wings, *viz.*, the preventive police with a military organization and the detective police with a civil organization.¹ The preventive police consisted of 24,000 men, horse and foot—one-third of them being stationed in battalion and troops in the frontier districts, two-thirds being distributed in small bodies amongst the Cis-Indus districts.² The infantry was employed to patrol roads, furnish guards for jails, and treasure in transit, and the like. The cavalry was posted in detachments at the stations, and smaller parties stationed at convenient intervals along the main roads served as mounted patrols.³ Both horse and foot were kept ready to reinforce the civil police, "the former to crush resistance, the latter to expedite pursuit".⁴

The detective or civil police was organized on the same footing as in Bengal and North Western Provinces.⁵ The whole of Punjab was divided into 228 police divisions or *thanahs*.

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1. Government of India Selections from Records, No. 2, para 60.
 2. Trevaskis, H.K. *The Land of the Five Rivers*, (Oxford, 1928), p. 223.
 3. Despatch from the Government of India to the Court of Directors of the East India Company, dated the 14th May, 1857 relating to the system of police in the Bengal Presidency.
 4. *Idem*.
 5. *Idem*.

Each division was placed under a police officer who was assisted by one or two deputies and on an average 30 policemen. The salary of the police officer was fixed at Rs. 50 so that he might have few temptations to accept a bribe. The total strength of this police force was 6,900 men of all grades.⁶ To control these establishments the Government took the help of *tahsildars* or the collectors of land revenue.⁷ They were accordingly vested with police powers within their jurisdictions. There were in all 75 *tahsildars* to look after these 228 police divisions.⁸ The general duties of police were not only reporting of crimes, arresting of criminals, serving of processes but also included the collection of supplies for troops, guarding of ferries and the escorting of the prisoners.⁹

The strength of the police establishments was fixed according to the population and the circumstances of the localities. Thus in the central wastes of the *Doabs* where cattle-lifting was very common the strength of the police force was disproportionate to the number of the people and the amount of revenue that was realised from them.¹⁰ Police arrangements were however differently made for Peshawar. The heads of tribes and of villages were given the authority to look after their own clansmen and all those who passed through their jurisdiction or alighted in their villages. They were permitted to keep arms with them for their self-defence.¹¹ A strict watch was kept on all the travellers and suspicious characters were not permitted to enter the city between sunset and sun-rise.¹² The stringency of these rules was justified because life and property were not safe in this valley.¹³

For the defence and protection of life and property on the North Western Frontier many places in Peshawar, Kohat, Bannu, Hazara were kept under the control of the military as well as

6. Minute by the Governor General dated 18th February, 1856.

7. *Idem*.

8. Despatch to Court of Directors (Judicial), No. 18 dated the 14th May, 1857.

9. Govt. of India Selections from Records, No. 2, para 167.

10. *Idem*, para 168.

11. *Idem*, paras 169-70.

12. *Idem*, para 171.

13. *Idem*, para 172.

the police authorities. But the police command was kept distinct from the military command and was regulated by its own responsible officers.¹⁴

City and Village Police

The city and village police formed an important link between the government and the people. The city watchmen were paid by a tax which was raised by two methods, one the assessment of houses according to their value, commonly called the house tax, the other imposts levied on imported articles of trade known as town-duties. The house tax was charged from the people in proportion to the amount of property that was protected but it was not liked by townsmen and burghers because they felt that the burden of this taxation fell upon their shoulders while the poor people escaped from it.¹⁵ It was therefore unpopular with them. The town duties on the other hand were quite popular. Their pressure was not felt by any class in Punjab because they were paid by agriculturists and traders of other provinces in India. The house-tax was at first introduced into the big cities but since it proved unpopular it was substituted by town duties in 1856. Henceforth the watchmen were paid by town duties throughout Punjab.¹⁷

Village police was also organized and in every locality one watchman was appointed to look after the welfare of the village community.¹⁸ He was paid three rupees per month to support himself adequately. This salary was paid in cash but if the villagers desired it was also paid in kind. In small villages where regular payments in cash or kind could not be made the government granted assignments of land to the watchman. On the occurrence of vacancies the nomination of watchman rested with the landholders and the confirmation with the magistrate. They were in this way kept sufficiently under the control of the police and the landholders.¹⁹

14. Idem, para 173.

15. Idem, para 175.

16. Extract from the Procdgs. of the Govt. of Punjab, in the Home Deptt., No. 1777, dt. 7 Sept., 1862; Supplement to the Gazette of India, No. 40, Calcutta Saturday, October 7, 1882, p. 1268.

17. Foreign Misc. Series, S. No. 157, No. in the list, 364, para 25.

18. Government of India Selections from Records, No. 2, para 179.

19. Idem, para 180.

Standard uniform and equipments were prescribed for the regular police, the city and village watchmen.²⁰ The regular police was armed with a sword and carbine but the watchmen were given a staff and spear. The regular police was subjected to drill and the watchmen were periodically inspected by the magistrates. This was done to keep them physically efficient.²¹

Khaj System

Mention must now be made of the *Khaj* or tracking system which was followed in Punjab even before annexation and was distinctly recognized by the new government. Under this system the people of a village were held accountable for the amount of stolen property when the foot-steps of the thieves were traced within its boundaries. It worked well because the people were attached to this system. It moreover tempted the community to assist in preventing and detecting crimes and in restraining the inhabitants of the villages from harbouring desperate characters. There was nothing in it opposed to the actual principles of justice and it seemed reasonable enough that the village itself which harboured and concealed offenders against society should, under fear of penalty, be made responsible for the general good.²²

The *Khaj* system suffered from two defects. Firstly, it induced the police to invent or exaggerate losses and afforded them opportunities to seek bribes. Secondly, the employment of trackers produced laxity amongst the police officials. When a tracker reported his inability to trace the offender or the stolen property, the police seemed to think that any further endeavours on their part were useless. In fact, it was then that the real responsibility of the police commenced.²³

To remedy these evils new rules were made. Strict adherence to them was prescribed. In all cases in which the *Khaj* system was brought into operation, the culprits could not be fined by a district officer without the express concurrence of the Commissioner. Compensation was not allowed if it was not

20. Foreign Misc. Series, S. No. 157, No. in the list, 362-363, para 157.

21. Foreign Misc. Series, S. No. 157, No. in the list, 364, para 24.

22. Circular Orders of the Judicial Commissioner, 1853-56, page 797. Judicial 'A' Procdgs. Nos. 23-27, dt. October, 1868.

23. Idem.

satisfactorily shown that the sufferer took every reasonable precaution to secure his property from loss. Moreover, any negligence on his part in giving information to the police to follow up the perpetrators also barred his claim from getting any compensation.²⁴

On the same principle, where the tracks of thieves were followed, the pursuers were bound to show proof that the traces were not lost by accident or neglect, but by fortuitous intervention of a stream, a high road, rocky or high ground, and the like. The last footmarks were shown to the inhabitants of a neighbouring village, or to other parties not interested in the case. The village where the tracks were finally lost was exonerated, only when its inhabitants offered to allow a free and thorough search of their homes and provided necessary help in locating the traces. Even then compensation was rarely granted.²⁵

The *Khoj* system was particularly applicable to cases of cattle theft. The best agency for checking this crime was found in the employment of skilful trackers. Injured parties were not prevented from engaging trackers if they wished. But if they desired to benefit by the *Khoj* rules, they had to give immediate information of their loss to the police. To prevent cattle-stealing, graziers were directed to report their loss in the presence of the village *lumberdar* and *chaukidar*. This was necessary to prevent graziers, who were often in league with the thieves, from pleading ignorance of the property stolen.²⁶

Cost of the Police

By the beginning of the year 1857 both the military and the civil police had been disciplined²⁷. A river police was also established on Chenab and the Indus to prevent the system of cattle lifting²⁸. This system of police and administration was effective but very costly. It is only by comparison

24. Extract from the Manual of Punjab Criminal Law, para 40 dated October, 1861. Judicial A Procdg. Nos. 23-27.

25. Barkley, D.G. The Non Regulation Law of the Punjab (Lahore, 1871), p. 70.

26. Judl. Procdgs. No. 23-27, dt. October 1861.

27. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 24.

28. PAR 1865-66 (Lahore, 1866), para 57.

that the cost of Punjab police force can be tested. In 1860, for 19 districts of moderate size, containing a population of more than ten millions, the cost of the police was Rs. 43,33,465²⁹. For about 30 very large districts in the lower provinces of the Bengal Presidency, containing a population of over forty millions, the cost of the police was four and a quarter lakhs a year. The disproportion was enormous³⁰ but the large extent of the frontier necessitated the maintenance of such costly police force in Punjab³¹.

Reorganization of Police

In 1861 the Police Department was reorganized because the Government of India ordered that Police Act V of 1861 should be immediately introduced in Punjab. Accordingly a number of reforms were made and the system of police administration was brought on the same pattern as in other provinces of India. The first step taken towards the reorganization of police was that the military and civil police was amalgamated. A new police force was thus formed and the best policemen were recruited in it. Those who could not be employed in this force were paid gratuities.³² The whole force was placed under the orders of an Inspector General of Police³³ who was given the full powers of a Magistrate³⁴. Subordinate to him were four Deputy Inspectors General who were put in charge of two or more revenue divisions. Under them again were Superintendents, one for each district. Below him were placed Inspectors, Deputy Inspectors, Sargeants and Constables³⁵.

The new system of police administration was introduced in all the Cis-Indus districts of Punjab without delay. It could not however be introduced in the Trans-Indus districts because

29. Memorandum by Lieutenant-Colonel J.W. Younghusband, C.S.I., Offg. Inspector General of Police, Punjab, dt. 31 March, 1870. Home Police Procdg. No. 20, dated 2 April, 1870.

30. Minute by Hon'ble J.P. Grant, dt. 27 November, 1854 Police Papers (1861), pp. 88-9.

31. Despatch from the Secretary of State (Judicial), No. 69 dated 6 July, 1860.

32. PAR 1860-61 (Lahore, MDCCCLXI), para 33.

33. The Police Act, 1861 (Act V of 1861), Clause 4.

34. Idem, clause 5.

35. Idem, clauses 7-8.

of the frequent raids from the numerous marauding tribes of Afghanistan.³⁶ To prevent their incursions the Government of India handed over the control of the frontier to the military authorities in 1862 and relieved the police of their military duties.³⁷ This arrangement proved successful and in 1870 Punjab Government made a proposal that the Police Act of 1861 should be extended to the Trans-Indus districts.³⁸ This proposal was sanctioned by the Government of India in January, 1872 and in 1873 the Police Act was introduced in these districts.³⁹ Life and property had now become safe in this region⁴⁰ and the whole of Punjab came under a uniform system of police administration.

The city and village police was also reformed. Heretofore it was composed of two bodies, *viz.*, regular police paid by the government and watchmen paid by the people. These two bodies were now formed into one and organized like the new police force. This step was welcomed by the people because the old watchmen were now replaced by vigilant policemen.⁴¹

In the early management of the rural police the government to some extent deranged the symmetry of village communities. The watchman ignored their subordination to the landholders because they could only be removed by the police authorities. The direct responsibility of the village community for the reporting and detection of crime was thus weakened by the intermediate position occupied by the watchmen or *chaukidars*.⁴² New arrangements were therefore made in 1861. The watchmen were dismissed and the headmen of village communities were given the duty of reporting crime.⁴³ This experiment was at first successfully tried at Lahore but was subsequently

36. PAR 1860-61 (Lahore, MDCCCLXI), para 34.

37. R.H. Davies, Secy. to the Government of Punjab, Esq. to E.C. Bayley, Esq. Secy. to the Government of India, dt. Lahore the 25th November, 1862. Home Police Procdg. Nos. 109-117, dt. 20 December, 1862.

38. PAR 1870-71 (Lahore, 1871), para 72.

39. PAR 1871-72 (Lahore, 1872), para 171.

40. PAR 1875-76 (Lahore, 1876), para 25.

41. PAR 1860-61 (Lahore, MDCCCLXI), para 37.

42. *Idem*, para 38.

43. Barkley, D.G. Non-Regulation Law of the Punjab, (Lahore, 1871), p. 64.

extended to Multan, Ferozepur, Amritsar, Gujranwala, Jhung, Googaira and other districts.⁴⁴ The headmen were sometimes granted *inams* ranging from Rs. 150 to 200 for making special efforts to detect crime.⁴⁵ This type of responsibility also proved extremely helpful to the police.⁴⁶ The new arrangements on the whole were acceptable to the people and advantageous to the government for it had nothing to pay to the landholders.⁴⁷ Previously the appointment of *chaukidars* or watchmen was a regular source of expense. They were now relegated to the position of village servants which was their position since times immemorial. Punjab Laws Amendment Act, 1875 recognized their new status and the city and village police were now placed on a legal basis.⁴⁸

According to the policy of the Government of India the expenditure on police administration in Punjab was also reduced from Rs. 35,69,671 in 1861 to Rs. 26,00,000 in 1868.⁴⁹ In 1869 owing to financial difficulties it again reviewed the cost of police throughout India and ordered a reduction of Rs. 1,44,200 every year in Punjab police force. Normally it was the practice of the Government of India to give all the provinces nearly a lakh of rupees for police expenditure for each million of population. Tried by this test the cost of Punjab police was excessive. Its population at the time was only 17½ millions so that 18 or 19 lakhs was the maximum amount that could be allotted to Punjab for its expenditure.⁵⁰ In Trans-Indus dis-

44. PAR 1860-61 (Lahore, MDCCCLXI), para 38.

45. *Idem*.

46. Major J.W. Younghusband, Offg. Inspector General of Police, Punjab to R.H. Davies, Secy, to the Govt. of Punjab, dt. Lahore 31st May, 1864. Home Police 'B' Procdg. Nos. 74-75 dt. May, 1865.

47. Report on the Administration of Criminal Justice in the Punjab, 1860 paras 3-4. Quoted in 'Non-Regulation Law of Punjab', (Lahore 1871), pp. 65-60.

48. Statement of Objects and Reasons, Punjab Laws Amendment Act, 1875. Legislative Procdg. Nos. 27-52 dated July 1875.

49. *Cost of Punjab Police*.

1860-61 : Rs. 35,69,671.

1861-62 : Rs. 31,50,000.

1862-63 : Rs. 29,16,757.

1863-64 : Rs. 26,26,000.

1867-68 : Rs. 26,00,000.

50. Memorandum by Lieut. Col. J.W. Younghusband, dt. 31 March, 1870. Home Police Procdg. No. 20 dt. 2 April, 1870.

tricts there were of course grounds for maintaining special police but still on the whole there seemed ample ground for reduction. In 1870 the Punjab Government offered to make a reduction of one lakh of rupees but eventually the police expenditure was brought down on the same level as in other provinces of India.⁵¹

Nature of the Crime

Gang robbery was the favourite crime of the Sikh chiefs because by practising this art they had risen from obscurity to empire builders. In 1849 when their political ascendancy was snatched away from their hands by the British Government many of the followers of these Sikh chiefs who could not find employment had recourse to this favourite crime because for miles the main roads were on either side surrounded by brushwood or passed through such localities which were lonely⁵².

Cattle lifting was very common specially in the Khangarh and Googairah districts. Burglary also existed but it did not assume a violent and desperate character. Arson was rare. Slavery was domestic and children of both sexes were openly brought and sold⁵³. Murders, homicide, affray and wounding were more common on the frontier and in those areas which were chiefly tenanted by the Muslims⁵⁴. Peshawar accounted for at least one third of the murders committed in the whole of Punjab. The population of this district belonged chiefly to Afghan or Pathan race. Brave, independent, but of a turbulent vindictive character, their very existence seemed to depend upon a constant succession of internal feuds. They knew no happiness in anything but strife and it was their delight to live in a state of chronic warfare. In the opinion of Sir Herbert Edwardes there was evidently something in the air of the frontier which roused brutality in every Muslim⁵⁵. The most

51. E.C. Bayley, Esq. Secy. to the Government of India, to the Secy. to the Govt. of Punjab, No. 128 dt. 17 February, 1870 Home Police Procdg. No. 21 dt. 2 April, 1870.

52. Government of India Selections from Records, No. 2, paras 144-45.

53. Government of India Selections from Records, No. 2, paras 198-200.

54. *Idem*, para 196.

55. Elsmie, G.R. *Thirty Five Years in the Punjab*, (Edinburgh, 1928), p. 189.

common causes of murder were adultery, seduction and breach of marriage engagements⁵⁶.

Infanticide was chiefly committed by the Bedees⁵⁷ who were known as "*Kooree-mar*" or "daughter slayers⁵⁸". Some Muslim and Khatri families also practised this crime. Parents murdered their infant daughters either because they could not afford the traditional marriage expenditure⁵⁹ or because they foresaw difficulties in marrying them suitably⁶⁰. The modes of putting an end to the life of the children were numerous. After birth, a child's mouth was filled with cow-dung, or his head was immersed in cow's milk, or the umbilical cord was drawn over his face. This prevented respiration and caused immediate death. In Gujerat district the usual practice was to bury the infant alive. The body was placed in an earthen pot the top of which was covered with a thick paste of dough. Frequently a small pill of opium was administered which caused death in a few minutes. In the Khangarh district, the juice of the Madar plant (*Asclepias gigantea*) was administered or death was brought about by causing injury to the naval. Sometimes the mother's nipples were rubbed with opium, and the infant unconsciously imbibed poison with the milk⁶¹.

Thuggee was almost entirely confined to the two criminal classes *Mazahabis* and *Chooras*. A few Jats and Sansees were also sometimes found to have engaged in it, but always under a *Mazahabi* or *Choor* leader. They never adopted it as a profession. Wazir Singh, a member of the *Mazahabi* tribe, the lowest in the Sikh community, first introduced *thuggee* into Punjab. The victims of the *thugs* were mostly Sikh soldiers returning on leave to their homes from Peshawar, Multan and

56. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 187.

57. Govt. of India Selections from Records No. 2, para 197.

58. P. Melville, Esq. Secy. to the Chief Commissioner to the Offg. Secy. to the Govt. of India dated 8th July, 1853, Foreign Procdg. Nos. 185-6, dt. 9 Sept., 1853.

59. J.P. Grant, Offg. Secy. to the Govt. of India to John Lawrence, Chief Commissioner of Punjab, dated Fort William the 7th September, 1853, Foreign Procdg. Nos. 185-6 dt. Sept., 1853.

60. Govt. of India Selections from Records No. 2, Para 197.

61. Minute on Infanticide in the Punjab by R. Montgomery. Foreign Procdg. Nos. 86-90 dt. 19 Sept., 1853.

other districts. The Sikh soldiers generally obtained leave of absence (if they wished) in the rainy season during the month of 'Sawun' before the feast of *Dussehrah*. Those who went home took with them not only their own pay and savings but also frequently those of their comrades whose homes adjoined their own. This formed a large amount of cash, and made a valuable booty for the *thugs*⁶².

The *Thugs* obtained what belonged to others in the easiest manner and with the least risk. They worshipped *Devi* because she was the protecting power of all criminal fraternities. They also respected the famous Muslim *Peer*, Serwar Sultan, who was the patron Saint of thieves and vagabonds⁶³. Some of them made occasional offerings before starting on their nefarious activity in the hope that it would bring them success.

There was, however, no regular rule of conduct observed on these points. The worship and offerings were optional and depended more on the character and disposition of the individuals. The same remarks apply to their omens. If on starting on an expedition they met a *brahmin*, a washerman, or the *lambardar* of the village, the portent was evil. The cry of the small owl, the partridge, jackal or jackass coming from the left was deemed favourable; from the right the reverse. In the same way if by breathing through the nose the air escaped with greater force from the left nostril than the right, the omen was good. If it escaped with greater force from the right the omen was bad⁶⁴.

The *thugs* assumed different characters when engaged in their profession as barbers, *kahars*, *brahmins*, *fajees* or any other that suited their purpose and enabled them to introduce themselves to gain the confidence of travellers. They let out ponies for hire accompanying as guides, and murdered the travellers when a favourable opportunity occurred⁶⁵. Whilst in company with the travellers they joined them in the wayside meals. On such occasions their food was generally sweet meats,

62. Report on Thuggee in the Punjab by H. Brerton Superintendent, Thuggee Investigation, Punjab, p. 237. Govt. of Punjab Selections Vol. I.

63. Idem, p. 263.

64. Idem, pp. 263-4.

65. Idem, p. 266.

or such cooked meals as were readily obtained. Salt was never touched by them when eating with their destined victims. When they reached a suitable spot and found an opportunity to communicate with other members of their gang, they strangled the traveller. Two agents only were required to effect each murder, one to embrace and pin the arms of the person who was to be executed, the other to throw the handkerchief round his throat⁶⁶.

The signal for commencing their operations was "*Afeem Wala, Tyar Ho*", meaning thereby, the person who has got the opium should get ready. The actual signal for murder was "*Afeem ko Lao*", give some opium. Immediately thereafter the kerchief was thrown round the neck of the traveller and its ends were crossed and twisted till it assumed the power of a screw and resulted in the traveller's death. The traveller's belongings were then divided amongst the *thugs* but a little away from the place where he was murdered. This division was very much like a scramble because there was little of the "honour amongst thieves"⁶⁷.

The *thugs* did not use any pick-axe or tool for burying the bodies of the travellers. Whenever they found that the ground is soft as in a fresh ploughed field or sand bank they scratched a shallow hole just sufficient for the temporary concealment of the body. Sometimes they threw their dead victims in old wells or rivers. These spots, in the words of Colonel Sleeman, were looked upon with peculiar affection by the *thugs*⁶⁸.

Suppression of the Crime

For the suppression of crime many important steps were taken by the police. In the first instance an edict was issued which prohibited the possession, sale or manufacture of arms. It was notified to the people by a proclamation but besides this the headmen of villages were also asked to explain this order to the people.⁶⁹ The effect of the edict was remarkable because in the course of a few years all arms were surrendered by the people. It went a long way to establish peace and security in Punjab.⁷⁰

66. Idem, p. 267.

67. Idem, p. 268.

68. Idem.

69. Foreign Misc. Series, S. No. 157, No. in the list, 362-63, para 159.

70. Idem.

In order to prevent cattle lifting, which was always considered a mysterious crime, roads were constructed in the lower and middle portions of the Doabs because they were overgrown with brush-wood. Professional trackers then followed up the foot-steps of the thieves upto distances ranging from 50 to 100 miles and helped a lot in the prevention and detection of this crime. But in no respect the success of the police was so conspicuous as in the extinction of gang robbery. During the first year after annexation the crime rose to an alarming height. The police however, broke up the gangs of robbers. They were captured, hunted down and put to death;⁷¹ and thus in 1851 the Government could proclaim "that no part of India was more free from dacoity than the Punjab."⁷² The extinction of dacoity in the central districts of Punjab was pronounced to be complete in 1853 but this crime was still common in the Peshawar Valley. Of the old gangs there was scarcely a leader alive or at large.⁷³ In his Minute dated May 1853, the Governor General asserted that "life and property are now, and have for sometime been, more secure within the bounds of the Punjab, which we have held only for four years, then they are in the province of Bengal which has been ours for nearly a century."⁷⁴

The role of the police may now be examined by a brief notice of the discovery and suppression of *thuggee*. In 1852, Mr. H. Brerton, Superintendent Thuggee Investigation, Punjab was deputed to conduct enquiries and concert plans for the extirpation of the whole criminal fraternity of the *thugs*. He commenced work at Ameenabad on 15th January and very soon found out that the *thug* prisoners were checked in their disclosures by some secret influence which prevented any full revelation of their history for they knew that it would be followed by their exposure and punishment. This betokened want of faith towards the Government. He therefore extended the privilege of conditional pardon to any one of them who made a free and unreserved confession.⁷⁵ After

71. Government of India Selections from Records, No. 2, para 182.

72. Idem, para 186.

73. Foreign Misc. Series, S. No. 157, No. in the List, 362-63, para 165.

74. Gibbon, F.P. The Lawrences of the Puniab, (London, 1908), p, 165.

75. Papers relating to Infanticide in the Punjab. Selections from Public Correspondence, Punjab Selections from Public Correspondence, Punjab, Vol. I. No. 6.

two days he was able to report that the list of murders had increased from 46 to 264.⁷⁶ The amount of crime was so serious that Punjab Government applied to the Government of India for the service of the officers of *Thugee* Department. Eventually the services of the well-known Colonel Sleeman were obtained.⁷⁷

To mitigate this evil the prisoners were brought before the Superintendent *Thugee* Investigation, Punjab. They were identified by the approvers before him and asked to detail their exploits and disclose the names of their confederates. These confessions were recorded and residence and descriptive rolls of the confederates were noted in detail. Warrants were then ready for execution and the detective police started off direct to villages indicated. In this manner the fugitive *thugs* were hunted down.⁷⁸ As a result of these efforts the average number of murders committed by the *thugs* was brought down from 100 in 1849 to 35 in 1852. In 1854 only two or three cases were reported⁷⁹ and *thugee* as a system was completely suppressed.⁸⁰ The fact that not a single case of *thugee* was reported during the year 1858 indicates that the crime was extinct.⁸¹

For the suppression of female infanticide the police feared that anything like open supervision or secret espionage would

76. P. Melville, Secy. to the Board of Administration to Sir H.M. Eliot, Secy. to the Govt. of India, Fort William, dt. Lahore the 31st January 1852. Foreign procdg. No. 105 dt. 20 February 1852.

77. Offg. Under Secy. Fort William, Foreign Deptt. to General Superintendent, Thugee Investigation, Punjab Foreign Procdg. No. 105 dt. 20 Feb. 1852.

78. Report on Thugee in the Punjab, by H. Brerton, Supdt. Thugee Investigation. Punjab, p. 255 Selections from Public Correspondence, Vol. I, No. 4.

79. Captain J. Sleeman, General Superintendent, Thugee and Dacoity Operations to J.W. Dalrymple, Under Secy. to the Govt. of India, Foreign Deptt. dt. the 7th April, 1852, Foreign Procdg. Nos. 165-71 dt. 28 April, 1854.

80. Major Sleeman, Genl. Supdt. of Thugee and Dacoity operations to G.F. Edmonstone, Esq., Secy. to the Government of India with the Governor General, Foreign Deptt. dt. Camp Mhowgunge, 19 November, 1855.

81. R. Temple, Esq., Secy. to the Chief Commissioner, Punjab to E. Thornton Esq. Judicial Commissioner for the Punjab dt. Lahore the 20th August, 1858. Foreign Procdg. Nos. 1332-34 dated 30th Dec., 1859.

lead to extortion and oppression.⁸² It was therefore desirable to take persuasive measures and undermine the principle on which it was based. This could be done by proclaiming death penalty for persons committing the crime; forfeiture of all *jagirs* and pensionary allowances of families perpetrating this crime; rewarding those who made endeavours towards its suppression and by a voluntary determination of the people themselves to limit by common consent the marriage expenditure to such amounts as might do away with all inducement to or pretext for the secret destruction of female children.⁸³ To this end a great meeting of representatives of all the tribes was held at Amritsar on the occasion of the *Diwali* festival in 1853. The delegates assembled declared before the European officers that they would frame certain rules regarding the inter-marrying between the various subdivisions of the same tribe, and reduce the marriage expenses to a moderate scale both for the rich and the poor. No man would thus feel any hardship in arranging for the marriage of his daughter and would have consequently no motive for the commission of infanticide. The fame of this meeting spread far and wide throughout Punjab and the impression it created sank deep into minds of the people.⁸⁴ Within two months after this great meeting local meetings were held at other places. Hundreds of families kept the promises which the assembled representatives had solemnly recorded.⁸⁵ The Amritsar meeting may therefore be regarded as a great epoch in the history of anti-infanticidal movement.⁸⁶ It inaugurated a great principle—the reduction of marriage expenditure. Under its influence the *Bedees* and the *Sodhees* with all their pride of birth had no longer any compulsion to commit this crime. In this meeting was wrung the death knell of female infanticide. A social revolution had thus been effected.⁸⁷

82. P. Melville Esqr. Secy. to the Chief Commissioner to the Offg. Secy. to the Govt. of India dt. 8 July, 1853, Foreign Procdg. Nos. 185-6 dt. 9 Sept., 1853.

83. J.P. Grant, Offg. Secy. to the Govt. of India to J. Lawrence, Chief Commissioner of the Punjab dt. Fort William, the 7th September 1853, Foreign Procdg. Nos. 185-7 dt. 9 September, 1853.

84. Foreign Misc. Deptt. S. No. 157, No. in the List 362-63, para 174.

85. Idem, para 175.

86. Brown, Cave, Female Infanticide, (London, 1857), p. 144.

87. Minute by the Most Noble the Governor General of India, dt. 20 January 1854. Foreign Procdg. Nos. 245 dt. 28 April 1854.

Not only a barbarous and secret crime had ceased to exist, but endless abuses connected with betrothal were repressed.

It is now necessary to see how the Police acted and worked during the mutiny. The guarding of the ferries received its earliest attention. Strong parties of police were posted at the principal ferries⁸⁸ and all suspicious characters were arrested.⁸⁹ In order to check sedition through the medium of post office all letters addressed to sepoys were opened at the principal stations.⁹⁰ The police also protected the large quantities of treasure in various districts. Local officers were asked to keep with them only a small portion for daily expenditure so that the sepoys may not get any chance to secure it by violent means.⁹¹

A strict censorship was maintained over the vernacular press.⁹² All literature which was calculated to produce excitement among the people or to effect the prestige of the British Government was prevented from circulation. As a precautionary measure the vernacular newspapers of North Western Provinces were also placed under censorship so that they may not undo the good that was done by censorship in Punjab.⁹³

The Hindustanis who showed a tendency to intrigue against the Britishers were sent out of Punjab.⁹⁴ Besides, the value of plundered or damaged property was realised by the mutineers.⁹⁵ Rewards were given to all those persons who helped the police to capture mutineers. Many people were tempted by this attraction and extended full cooperation to the police.⁹⁶

88. Judicial Commissioner of the Punjab to all Commissioners in the Punjab. Circular No. 53 dt. Lahore 10th June, 1857. Punjab Mutiny Report, Vol. VIII (Lahore, 1859).

89. Secy. to the Chief Commissioner of the Punjab to all Commissioners in the Punjab, Circular dated Rawalpindi 19th May, 1857. Punjab Mutiny Report. Vol. VIII (Lahore, 1859).

90. Foreign Misc. Series, S. No. 157, No. in the List, 365, para 25.

91. Idem, para 23.

92. Punjab Mutiny Report, Vol. VIII (Lahore, 1859), p. 201.

93. Richard Temple, Esq. Secy. to the Chief Commissioner of the Punjab to G.F. Edmonstone, Esq. Secy. to the Government of India with the Governor General dt. Lahore the 4 September, 1858. Foreign Procdg. Nos. 511-15 dt. 19 November, 1858.

94. Punjab Mutiny Report, Vol. VIII (Lahore, 1859), p. 344.

95. PAR 1856-57 and 1857-58 (Lahore, 1858), para, 28.

96. Idem, para 30.

After suppressing the mutiny the government directed its attention towards the increasing number of murderous outrages which could not be checked by inflicting punishments to the offenders according to the Indian Penal Code. A bill was accordingly framed for providing more severe and speedier punishments for such outrages. It was enacted in 1867 and is known as Punjab Murderous Outrages Act. This Act vested Punjab Government with greater authority to deal with these cases and punish assassins with death. It was brought into force only in the three frontier districts of Peshawar, Kohat and Hazara because most of the murders were committed at these places.⁹⁷

In order to cope successfully with professional thieves and habitual offenders the police divided them into three classes viz., (a) those who were convicted and had passed some time in jail; (b) those who were not convicted but were suspected as dangerous members of the society and (c) gypsy tribes whose unsettled life and occupation was a constant source of trouble to the public generally.⁹⁸

As regards the first class upto 1862 the system of continuous surveillance was not attempted. Habitual offenders were often discharged from jail without the police department being informed about it. To remedy this evil the Lieutenant Governor directed that on the release of a prisoner from jail the Superintendent should send a descriptive roll to the District Superintendent of police. The jail authorities thus kept the police informed of all the criminals who were discharged and the police did all in their power to assist him in finding work for earning an honest livelihood.⁹⁹ To obtain information about the second class the police officers contacted the headmen and other respectable members of the village communities and the suspected characters were easily found out. Thereafter they were kept under surveillance.¹⁰⁰ To deal with the third class was a problem because on the pretence of hunting and begging the gypsy tribes passed through villages, inspected premises and marked the places of their interest. At night

97. PAR 1865-66 (Lahore, 1866), para 45(3).

98. PAR 1862-63 (Lahore, MDCCCLXIII), para 42.

99. Idem, para 44.

100. Idem, para 45.

their gangs, often armed with sticks, came out, and never went back empty handed. In hot weather, they crept up to the roofs of houses and snatched away ear-rings from women when they were asleep. At harvest time they stole the corn. Whenever alms were refused to them by the people they punished them by plundering their granaries at night. Even the punishments provided by the Penal Code failed to repress this crime. No sooner they were out of jail they were again arrested and convicted because theft was a sport for them.¹⁰¹ On the recommendation of Mr. Prinsep, Deputy Commissioner of Sialkot, these tribes were collected in reformatories¹⁰² where they were asked to cultivate land and receive elementary education. These reformatories were very much appreciated by the people because they resulted in the diminution of crime and changed the habits of the professional thieves who took themselves to plough.¹⁰³

In 1868 the police administration of Punjab received a somewhat severe blow by a decision of the Chief Court. Much against the wishes of the Judicial Commissioner it declared the rules formerly in force for subjecting notorious thieving tribes, such as *Harnis*, *Sansis* and *Minas* to strict surveillance by the police as illegal.¹⁰⁴ Its effects were disastrous because all the thieving tribes were set free. This state of affairs however did not last long because in 1871 the Government of India legalised surveillance by extending the Criminal Tribes Act to Punjab.¹⁰⁵ The *Harnis*, *Sansis* and *Minas* were now compelled to give up theft for agricultural pursuits. Bullock carts were provided to them and they were forced either to cultivate or starve. This reformatory measure proved effective and reduced crime in Punjab to a large extent.¹⁰⁶

An analysis of crime from 1861 to 1869 shows that there was a general increase of crime throughout Punjab. This was not due to the deterioration in the working of the police but

101. Idem, para 47.

102. J.W. Younghusband, Offg. Inspector of Police, Punjab to R.H. Davies, Secy. to the Punjab Government dt. Lahore, 31 May, 1864. Home Police 'B' Procdg. Nos. 74-5 dt. May, 1865.

103. PAR 1862-63 (Lahore, MDCCCLXIII), para 47.

104. PAR 1868-69 (Lahore, 1869), para 182.

105. PAR 1875-76 (Lahore, 1876), para 25.

106. Idem, para 46.

was the result of the increase in population and wealth, correct registration of crime and rise in the prices of food.¹⁰⁷ It would however be interesting to point out that despite this increase in crime. Punjab police was far superior in efficiency as compared with the police in Bengal, North Western Provinces, Oudh and Central Provinces. This is clear from the following table :

<i>Province</i>	<i>Population</i>	<i>Rates of police to populaton</i>	<i>Proportion of cognizable cases brought to trial</i>	<i>Percentage of acquittals and discharges to persons arrested</i>	<i>Percentage of stolen property recovered</i>
Bengal (1864)	37,000,000	1 Constable to 1633	...	47.4	25
North-Western Provinces (1864)	28,000,000	1 to 1,189	43.5 per cent	52.6	31
Punjab (1805)	15,000,000	1 to 757	62.3 per cent	27.8	32
Oudh (1864)	9,000,000	1 to 1,087	17.6 per cent	28.22	10.8
Central Provinces	9,000,000	1 to 1.153	54.6 per cent	25.1	31.6

The Cis-Indus police organized under Act V of 1861 was better than the Trans-Indus police for the following reasons : Firstly, because the proportion of crime in the Cis-Indus districts was far less than in the Trans-Indus districts,¹⁰⁸ and secondly because the proportion of the amount of stolen property that was recovered was more than that in the Trans-Indus districts.¹⁰⁹ The decrease of crime in the Cis-Indus districts was

107. PAR 1871-72 (Lahore, 1872), para 175.

108. *Increase in Non-bailable offences*

Cis-Indus : 64%

Trans-Indus : 74%

109.	Year	Cis-Indus	Trans-Indus
	1866	40%	22%
	1867	39%	28%
	1868	41%	32%
	1869	40%	26%
	1870	40%	27%

due to the fall in prices consequent on good harvests. The average price of wheat fell from 11 seers 4 chtk. per rupee in 1869 to 14 seers 2 chtk. per rupee in 1870. In the Trans-Indus districts it was not so. The average price of wheat in this region rose from 13 seers 14 chtk. per rupee in 1869 to 13 seers 4 chtk. per rupee in 1870.¹¹⁰

The success achieved by Punjab Police from 1870 to 1875 can be seen from (a) the increase in the percentage of cases that were reported,¹¹¹ (b) the increase in the number of persons who were convicted,¹¹² and (c) the increase in the percentage of property that was recovered.¹¹³ It follows therefore that there was improvement in the Cis-Indus police as well as the Trans-Indus police. The Trans-Indus police was however far inferior in its working when compared to the Cis-Indus police but much had yet to be done to bring it to a proper state of efficiency.¹¹⁴ Nevertheless the number of dacoities and murders committed throughout Punjab in 1875 was one-third of the number in 1853; cattle-theft less than one-third; and value of property stolen far less than 1853.¹¹⁵ These figures speak well about the prevention and detection of crime in Punjab during the period of our study.

110. PAR 1870-71 (Lahore, 1871), para 79.

111. *Percentage of cases reported*

1870 : 39

1875 : 42

112. *Percentage of persons convicted*

1870 : 65.8

1875 : 69

113. *Percentage of property recovered*

1870 : 38

1875 : 40

114. *Percentage of property recovered*

	Cis-Indus	Trans-Indus
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1870 :	40	27
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1875 :	41	35
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115. PAR 1864-75 (Lahore, 1875), para 81.

CHAPTER IV

JAIL ADMINISTRATION

The British Government paid special attention towards the jails. Prior to the establishment of their rule in Punjab culprits were imprisoned either in old forts or buildings or at the bottom of dry wells. Debtors were chained to gateways and got their food from the charitable passers-by. At a time there were not more than a hundred men in confinement during Ranjit Singh's reign. The common punishments were to cut off the nose of thieves, to hamstring burglars and slice off the hands of the dacoits. Under the *Darbar* sometimes fifty or sixty thieves, debtors and murderers were crowded into a single unventilated room. A *sardar* or a *jagirdar* chained up his own defaulter at his will or took his own measures to extort or extract his dues from him¹.

The British administrators did not find time for a few years after annexation to improve the jail administration because the officers were overburdened with a variety of other duties². It was for the first time in 1852 that Punjab Government asked the Government of India for accommodation of 10,000 prisoners and submitted a complete scheme of central and district jails. This scheme was accepted by the Court of Directors and accordingly the construction of all jails was completed³. An Inspector of Jails was appointed in 1853 to look after their management and advise the government on all matters pertaining to prison administration⁴.

The jails were divided into three classes. To the first class belonged the grand Central Jail at Lahore. The second class comprised of three provincial jails, one each at Multan, Rawalpindi and Ambala. The third class jails were spread over the remaining districts. The first, second and third class

1. Note on Jails and Jail Discipline in India, 1867-68. Home Judicial Procdg. Nos. 55-72 dt. 7th November and 8th January, 1869.

2. Government of India Selections from Records, No. 2, para 203.

3. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 227.

4. Idem, para 226.

jails accommodated 2,000,800 and 258 prisoners respectively⁵. The Lahore Central Jail admitted convicts who were sentenced to 14 years imprisonment and was also used as a district jail for short term prisoners convicted in the Lahore district. The three jails at Multan, Rawalpindi and Ambala were Divisional Jails and received long term prisoners provided their sentences did not exceed ten years imprisonment. They were also used as district jails for the districts in which they were situated. The rest were district jails⁶.

During the mutiny the jail administration was not disturbed. In other parts of India one of the first things which the rioters always did was to burst open the jail. Punjab however escaped this contingency. The Hindustani sepoys guarding the jails were at once removed. Besides most of the police battalions guarding the jails were transferred to military cantonments⁷. In their absence the jails were at first guarded by civil policemen and afterwards by the new levies which had been lately raised and organized⁸. In most jails escapes were as rare as ever. The jail administration thus did not suffer during a period of trouble. The jails had 2,000 prisoners but they remained quiet.^{8a}

In 1862 the Penal Code was introduced in Punjab and it resulted in a 30 per cent reduction in a number of women punished with imprisonment because according to its provisions they could not be punished for adultery. A Female Penitentiary was opened at Lahore and women from all the jails were removed to it for a wholesome system of education, discipline and classification⁹. Before the establishment of the female penitentiary long term female prisoners were sent to the Lahore Central Jail and confined in a ward entirely separate and detached from the male wards. This ward was under the charge of two old guards who remained at the gates. The internal arrangements of the ward were carried on by female prisoners known as *lambardarnees*. No males except officials were allowed

5. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 204.

6. PAR 1868-59 (Lahore, 1869), para 143.

7. Foreign Misc. Series, S. No. 157, No. in the List, 365, para 33.

8. Despatch to Secret Committee, No. 48 of 1857.

8a. Idem.

9. PAR 1862-63 (Lahore, MDCCCLXIII), para 65.

to go inside the wards, but in 1860 a matron was appointed to take charge of the ward. In every jail there was from the beginning a special female ward separate from the other wards. This female ward was placed under the charge of an elderly guard. Its internal management was under the charge of a prisoner who was selected from amongst the prisoners on the basis of merit. Sometimes it so happened that there were only a few prisoners in this ward. In such cases a male prisoner was admitted to sweep and clean it and this was done in the presence of jail officials. So far the female prisoners were under the care of male officials, but male and female prisoners were in no case allowed to mix and mingle together. Every precaution was taken to ensure a strict separation between the sexes¹⁰.

There was also a reformatory at Gurdaspur where boys sentenced to six months or more were sent. In this reformatory special attention was paid to their discipline and education. The boys slept in a separate ward and worked in a separate work-yard. The warder incharge, the jail officials, the trade instructors and the teachers approved by the Education Department were the only adults allowed to enter the ward. In the majority of district jails there was a special ward set aside for juvenile prisoners. But where there was no such ward, the juvenile prisoners were placed in cells or other special arrangements were made for separating them from other prisoners at night. During the day they worked in a part of the yard. In the Lahore Central Jail there was a separate ward for them. It was placed under a selected warder. The trade instructors were elderly and well-conducted convicts.¹¹

Some improvements were made in Punjab jails by the recommendations of the Indian Jail Committee of 1864. These recommendations were circulated for the guidance of all provincial Governments, and the Government of India promised to sanction funds for increasing jail accommodation wherever it was necessary. Two important points laid down by this Committee were that a central jail should not accommodate more than 1,000 prisoners and that the minimum space allotted to

10. Note on Jails and Jail Discipline in India 1867-68, Chapter V. Home Judl. Procdg. Nos. 55-72. dt. 7th November No. 5 and 9th Jan., 1869.

11. *Idem*, Chapter VIII.

each prisoner should be 648 cubic feet.¹² At this rate Punjab jails were overcrowded and in 1865 additional accommodation for nearly 4,000 prisoners was sanctioned at Montgomery, Hoshiarpur, Dera Gazi Khan, Delhi and Amritsar.¹³

The entire control and management of the *Thuggee* School of Industry was made over by the police authorities to the Superintendent of the Central Jail at Lahore in 1864. The Police Department however retained the power of using the *thug* approvers for detective purposes.¹⁴ The profits on the sale of tents manufactured at this institution made it self-sufficient.¹⁵ The health of the prisoners was excellently maintained and some of them were even taken into the police service.¹⁶ In 1875 only *thugs* of advanced age remained in the school and the Government was therefore seriously thinking of continuing the manufacture of tents at the Lahore Central Jail as soon as the School of Industry was closed down.¹⁷

Earlier in 1870 the Government of India had extended the Prison's Act to Punjab. Punjab Government was now authorised to make rules on all questions relating to prison administration. The interference of the Government of India was only limited to the suggestion of general principles and to the ensuring of a certain amount of uniformity in the treatment of offences of the same class throughout India.¹⁸

Conduct and Discipline

To regulate the conduct and discipline of prisoners the convicts in the beginning were employed on outdoor duties. This was known as the 'outdoor system' but proved disadvantageous¹⁹ for the following reasons :

- (a) a great cost had to be incurred for the safe custody of gangs dispersed over the roads for miles,
- (b) the escape of convicts was frequent,

12. Idem, Chapter I.

13. PAR 1864-65 (Lahore, 1865), para 91.

14. PAR 1863-64 (Lahore, 1865), para 99.

15. PAR 1874-75 (Lahore, 1875), para 115.

16. PAR 1864-66 (Lahore, 1866), para 74.

17. PAR 1875-76 (Lahore, 1876), para 116.

18. Home Judicial Procdg. Nos. 35-6 dt. 10 December, 1870.

19. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 207.

- (c) it was difficult to distribute work in such a way that prisoners with weak physique may not be put to as much hard work as prisoners with good physique,
- (d) it exposed prisoners to the calamities of the weather.²⁰

These defects were obviated by the 'indoor system' which was introduced in 1853. In the initial stages it, of course, involved some expenditure for the construction of workshops but ultimately a great saving was effected by the reduction of the guards.²¹ The percentage of convicts was greatly reduced.²² Labore was better apportioned for all convicts.²³ The average mortality of the jails was now 4.84 per cent and was a great deal less than that in Bengal where it reached 10.05 per cent or in North Western Provinces where it was 8.61 per cent.²⁴ This rate of mortality was even far less than the free population of Punjab. The prisoners were no longer at liberty to meet their friends outside the jail and in this way felt the punishment they were sentenced to *viz.*, loss of liberty together with hard labour. The results of the indoor system were thus encouraging from the point of view of economy, the amelioration of the condition of the prisoners, the improvement of their health and reformation.²⁵

In 1860 a novel experiment, commonly known as 'Monitor System' was tried in the Central Jail at Lahore.²⁶ The prisoners selected as monitors enjoyed certain privileges. Their irons

20. *Idem*, para 210.

21. *Idem*, para 211.

22. Year	No of escapes
1853	81
1861	10

23. Extract from Letter No. 369 dt. 15 August, 1857 from the Inspector of Prisons in Punjab to Judicial Commissioner for Punjab. Foreign Procdg. Nos. 342-45 dt. 8 January, 1857-58.

24. Judicial Commissioner, Punjab to Secy. to the Govt. of Punjab, No. 147/807 dt. 19 May 1864. Report of the Inspector General of Prisons, 1863.

25. Charles Hathaway, Esq. Inspector General of Prisons in Punjab to Robert Montgomery Esq. Judicial Commissioner for Punjab dt. Lahore the 31 May, 1854. Foreign Procdg. Nos. 288-91 dt. 17 Nov. 1854.

26. PAR 1860-61 (Lahore MDCCCXI), para 52.

barring an ankle ring were removed. They wore a black coat and a black turban instead of the blanket cap. They were exempted from work and looked after their gangs. One year's service as monitor counted as a remission of three months in their sentence. But the keys of the jail were not entrusted to them. They were also not permitted to go outside the jail.²⁷ The need for the introduction of the Monitor System arose out of the unpopularity of the jail service. The work in jails was arduous, harassing and irksome and the pay of the employee was small. It was only when a man got employment nowhere else that he accepted employment in jail. Moreover, the guards were the greatest obstacles to the maintenance of order and discipline. They assisted prisoners in stealing the property of the government and were the regular means of communication between the prisoners and their friends. A guard with a family of four or five people to feed and clothe, and getting only rupees five a month, was hardly expected to be impervious against the temptation which was daily offered to him. The real inducement of a guard to take service in a jail was the opportunity he found for obtaining money other than his pay in the form of bribes given by the friends of the prisoners. The introduction of the 'Monitor System' was therefore intended to put an end to this evil practice. The guards were dismissed and an equal number selected prisoners were appointed to carry out the details of the intramural management on higher pay varying from Rs. 12 to Rs. 18. They were known as monitors.²⁸ The 'Monitor System' was thus introduced to enforce economy by abolishing paid and usually corrupt guards. They were replaced by convict guards who maintained order and cleanliness in the wards. The Monitor System had the same object in view as the 'convict-guard system' of the Lower Provinces and the North West, namely, economy and greater efficiency.²⁹

27. A.M. Dallas, Inspector General of Prisons in Punjab to E.L. Brandreth, Offg. Judicial Commissioner of Punjab, dt. Lahore the 16th April, 1864, Police Report, 1863.

28. A.M. Dallas, Inspector General of Prisons in Punjab to E.L. Brandreth, Offg. Judl. Commissioner of Punjab, dt. Lahore, 16th April, 1864. Police Report for 1863.

29. Journal of a tour of inspection of the principal jails in India by the Inspector General of Prisons, Bombay, 1862-63. Selections from the Records of the Govt. of Bombay, Nos. 84-92.

Monitor system has however been criticised on the grounds that :

- (a) the reduction of the guards was not consistent with safety ;
- (b) the labour of the men selected as monitors was lost to the Government because they could not now spend time to the manufacture of articles ;
- (c) it was difficult to select prisoners as monitors on whom the jail authorities could depend ;
- (d) it was improper to select monitors from all classes of prisoners because prisoners committed to jails for short periods could best serve the purpose ;
- (e) it was unwise on the part of the jail authorities to reduce the sentence of prisoner at the close of the year.

This criticism was countered by advancing the following reasons :

- (a) the real guard of the jail consisted of the armed police and the monitors were only intended for supervision of the prisoners' work ;
- (b) the Government was prepared to bear the loss caused by the selection of monitors because it was considered better to spend more money to bring about improvements in the jail establishments ;
- (c) it was easy for the jail officials to select dependable prisoners because they were in close touch with them all the time. The prisoners in fact already did the work of the guards when they went to sleep. These guards woke up only when the jail officials approached them ;
- (d) the selection of monitors from prisoners sentenced for short periods was not possible. There was the likelihood of their being recommitted to jail because they were all bad characters ;
- (e) the reduction of sentence at the end of the year was necessary because some reward had to be given to prisoners for good behaviour. This reward could not be anything better than the shortening of the period

of their imprisonment. It was moreover necessary for maintaining order and discipline in the jails.³⁰

The effect of the monitor system upon the prisoners was remarkable. The monitors now easily controlled the gangs and kept them in a state of discipline.³¹ This system proved successful because the officer in charge of the jail was constantly on the spot for careful supervision of the prisoners.³² Order and regularity in the jails increased with the introduction of this system. This was not accompanied by any increase in the severity of punishments.³³

Marks System

In Punjab, as in North Western Provinces, a system of marks and promotion to prison offices also existed.³⁴ Marks were awarded for good conduct, industry, progress in learning to read and write, and for special acts. The reports of the jailor, teacher and other officials were checked by the labour and punishment registers and by the superintendent's personal knowledge of the prisoner's task. Only long-term prisoners were benefitted by this system³⁵ because the jail officials in course of time obtained a thorough knowledge about their character and were in a position to discipline them properly. Under this system progress in workshops and good behaviour entitled a prisoner to be

30. A.M. Dallas, Inspector General of Prisons in the Punjab to E.L. Brandreth, Offg. Judl. Commissioner of the Punjab, dt. Lahore, 16th April 1864. Police Report, 1863.

31. Idem.

32. PAR 1862-63 (Lahore, MDCCCLXIII), para 69.

33.

<i>Year</i>	<i>Daily average number in jail</i>	<i>Number flogged</i>	<i>Flogged to strength per cent</i>	<i>Otherwise punishment</i>
1857	1,750,80	268	15.04	—
1858	1,783,28	86	4.81	195
1859	1,615,71	80	4.95	1,220
1860	1,566,97	57	3.63	863
1861	2,100,61	72	3.42	393

34. Note on Jails and Jail Discipline in India 1867-68 Chapter VI. Home Judl. Procdg. Nos. 55-72. dt. 7th November No. 5 and 9th Jan. 1869.

35. Surgeon, A.M. Dallas, Inspector General of Prisons Punjab to Lapel H. Griffin, Esq. Offg. Secy. to the Govt. of Punjab No. 2352 dt. the 25th July, 1872. Home Judl, Procdg. Nos. 175-90 dt. June 1873.

released from the jail before the expiry of his term.³⁶

In 1867 this system was introduced in the jails at Ambala, Rawalpindi, Multan and in all jails in which there was a medical officer. It worked well in the Central Jail at Lahore but not in other jails to which it was extended. The reason was the want of a reliable subordinate agency in these jails. The officer in charge did not have the time to award the marks daily in every case and consequently entrusted the duty to an ill-paid subordinate who paid no attention to the number of marks gained by a prisoner as a test of exemplary conduct.³⁷

Ticket of Leave Rules

Ticket of leave rules were introduced in the Lahore Central Jail and the Female Penitentiary in March 1867³⁸ to offer to the prisoners a powerful inducement to good and orderly behaviour. These rules were not applicable to convicts sentenced to less than four years imprisonment. Prisoners released on ticket of leave were selected on account of good conduct in jail. Such good conduct was calculated by marks and the number of marks obtained by a prisoner before he was eligible for selection was 300. Before being selected for ticket of leave, it was necessary for a prisoner to have worked out at least three fourth of his sentence and the remaining term was to be not less than one year.³⁹

A prisoner released on ticket of leave reported himself once a month at the *thanah* mentioned in his ticket. He was not permitted to quit the district without the permission of the District Superintendent of Police. On his release the Superintendent of Prison gave him sufficient money standing to his credit in the prisoner's property register to enable him to reach his residence. The balance was transmitted to the District Superintendent of Police either to support the released convict

36. Note on Jails and Jail Discipline in India, 1867-68, Chapter VII. Home Judl. Procdg. Nos. 55-72, dt. 7th November No. 5 and 9th Jan., 1869.

37. PAR 1868-69 (Lahore, 1869), para 157.

38. PAR 1866-67 (Lahore, 1867), para 84.

39. Surgeon A.M. Dallas, Inspector General of Prisons, Punjab to Lepel Griffin, Offg. Secy. to the Govt. of Punjab dt. 25 July, 1872. Home Judicial Procdg. Nos. 175-90 dt. June, 1873.

or help him to establish his own business. If at the time of release the amount of money at the prisoner's credit was too small to enable him to reach his residence the Superintendent made up the deficiency to help him. For misconduct or infringement of the conditions of ticket of leave the Magistrate of a district was empowered to send back a released convict to prison and then complete his unexpired sentence. It was considered misconduct on his part if he failed to do all in his power to obtain an honest livelihood.⁴⁰ The result of this experiment was successful. Not a single prisoner once released on ticket of leave was sent back to prison. Reports were frequently received that they earned an honest livelihood. The ticket of leave system was thus a successful experiment.⁴¹

In 1867 a system of extramural labour was experimentally introduced in Punjab to give reward to the prisoners for their continuous good conduct in the jails.⁴² This experiment was tried on a larger scale in Punjab than in any other province of India. For several years the employment of prisoners on public works such as the construction of roads was abandoned.⁴³ Every effort was made to confine them, as far as possible, within the walls of the prison during the whole term of their sentence. On the commencement of the work for the Sirhind canal, it was decided to give the system of extramural labour a fair trial. Arrangements were therefore made with the Public Works Department and two thousand prisoners were sent to Rupar. Temporary jails of a substantial but inexpensive character were erected for their accommodation. The results of this experiment were most encouraging and the Public Works Department was benefitted by the constant supply of a large body of prisoners. From a pecuniary point of view the results of this experiment were far more favourable than those attained by employing prisoners on intra-mural labour in Punjab Jails.⁴⁴

40. Home Judl. Procdg. Nos. 35-36 dt. 10 Dec. 1870.

41. Surgeon, A.M. Dallas, Inspector General of Prisons, Punjab to Lepal Griffin. Offg. Secy. to Govt. of Punjab dt. 25 July, 1872. Home Judl. Procdg. Nos. 175-90 dt. June, 1873.

42. PAR 1866-67 (Lahore, 1867), para 84.

43. See the sub-head "Health" of this chapter for details.

44. PAR 1875-76 (Lahore, 1876), para 57.

Education

It was for the first time in 1852 that Dr. Hathaway called attention to the gross ignorance of the prisoners. He set an excellent example by setting aside one hour daily for the instruction of the numerous convicts in the Lahore Central Jail. Hitherto not one in a hundred was able to read or write. Such an experiment was earlier tried in Mainpuri and Agra in the North Western Provinces and bore ample testimony to the good effect it produced on the prisoners. The Government's initial reluctance in providing education was due to their unwillingness to attempt too much at once, but when the system of indoor confinement was fully established this matter was taken up.⁴⁶

Education thereafter made a steady and rapid progress.⁴⁷ It is remarkable to note that by the year 1862 fifty five per cent of the total number of prisoners were receiving instruction.⁴⁸ In 1861 the control of education in the jails was placed under the supervision of the Education Department. The system of instruction was the same as that adopted in the Zillah Schools.⁴⁹ Paid teachers were appointed in a number of jails.⁵⁰

Each prisoner attended the school for one hour a day but in no case was it considered a legitimate excuse for not doing his other task. The jail schools were inspected by the officers of the Education Department. In the Central Jail where there were long-term prisoners, and in one or two other jails prisoners who were perfectly illiterate at the time of entering the jail attained a fair knowledge of reading and writing.⁵¹ Some of them

45. *Idem*, para 42.

46. R. Montgomery, Esq. Judl. Commissioner for Punjab to R. Temple Esq. Secy. to the Chief Commissioner of Punjab, dt. Lahore, 4 August, 1834, Punjab Jail Report 1853.

47. PAR 1861-62 (Lahore, MDCCCLXII), para 50.

48. PAR 1862-63 (Lahore, MDCCCLXIII), para 66.

49. Report of the Inspector General of Prisons 1862 (Lahore, 1863) para 35.

50. PAR 1868-69 (Lahore, 1869), para 163.

51. T.H. Thornton, Esq., Secy. to the Govt. of Punjab and its Dependencies to E.C. Bayley, Esq., Secy. to the Govt. of India, Simla No. 650 dt. Lahore the 17th May, 1866. Home Judl. Procdg. No. 60-71 dt. June 1866.

even obtained livelihood after release from jail by teaching boys in their own village.⁵³ Education in Punjab jails was certainly much more systematic than in the Lower Provinces.⁵³

Cost of Prisoners

So long as the outdoor system of labour was prevalent in Punjab the average expenditure per head was rupees sixty, while in North Western Provinces it was rupees thirty-three.⁵⁴ The increased cost in Punjab was owing to the appointment of the guards. In North Western Provinces the guards were civilians getting four or five rupees per mensem. In Punjab they belonged to the military police receiving rupees seven per mensem.⁵⁵ On the abolition of the outdoor system of labour in 1852 there was necessarily a reduction in the number of guards and it affected the average cost of the prisoner a great deal. The cost came down from Rs. 60 to Rs. 41/7/8, per head and there was thus a considerable saving in expenditure.⁵⁶ The pay of the Inspector General of Prisons was covered four or five times over by the savings thus effected.⁵⁷ The management of the jails was sound and in 1856 it was noticed that Punjab jails were in no way inferior to those of Bengal and North Western Provinces.⁵⁸

The average cost of maintenance of prisoners had of course increased from the year 1864 because of the change in dieting, improvement in clothing and bedding and the increased price of

52. PAR 1862-63 (Lahore, MDCCCLXIII), para 66.

53. Journal of a tour of Inspection of the Principal Jails in India by the Inspector General of Prisons Bombay (1862-63) Selection from the Records of the Govt. of Bombay Nos. 84-92.

54. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 214.

55. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 230.

56. Idem, para 229.

57. Idem, para 235.

58.

<i>Average annual cost of each prisoner</i>	<i>Bengal 1854-55 Rs. 37.10.4</i>	<i>N.W.P. 1854 Rs. 33.4.11</i>	<i>Punjab 1855 Rs. 31.8.7</i>
Average percentage of mortality on total No. of prisoners.	7.04	4.52	5.07
Percentage of escapes on total No. of prisoners.	0.70	0.66	0.29

grain.⁵⁹ But this cost was recovered by the jail manufactures.⁶⁰ The jails manufactured better form of cloth, ropes, country paper, and blankets than could be made elsewhere in Punjab. All the tents required for public establishments were supplied through the jails. Lithographic printing presses also worked with great effect in several jails such as those of Amritsar, Ferozepur, Ambala and the Central Jail at Lahore.⁶¹ During the mutiny 80,000 enfield cartridges and one thousand sand bags were supplied by jails for the siege of Delhi. A quantity of commissariat gear and tents were also supplied by the jail authorities for the use of European troops.⁶²

In 1861 the Lahore Central Jail started the manufacture of woollen carpets of Persian designs and one of these gained a medal at the International Exhibition in London. From this time onwards there was a regular demand for these carpets in England. These carpets were very handsome but since their manufacture was slow there was no possibility of deriving much profit by these manufactures. Carpet manufacturing was thus not considered profitable although it was a highly developed industry.⁶³ On the whole the jail manufactures received encouragement and the jails resembled an industrial institution⁶⁴. The Government improved the jails without losing sight of the principle that prison employment was at first punitive, and only remunerative in a secondary and accidental manner⁶⁵.

The jail administration has been subjected to severe criticism by Major Hutchinson⁶⁶ and Miss Carpenter.⁶⁷ Major Hutchinson was of the opinion that Punjab jails were "penal and deterrent and not reformatory". The prisoners moreover were

59. PAR (1864-65), (London, 1865), para 94.

60. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 235.

61. Foreign Misc. Series, S. No. 157, No. in the List, para 33.

62. Foreign Misc. Series, S. No. 157, No. in the List, 365, para 34.

63. Journal of a tour of Inspection of the Principal Jails in India by the Inspector General of Prisons Bombay (1862-63). Selections from the Records of the Govt. of Bombay, Nos. 84-92.

64. Foreign Misc. Series, S. No. 157, No. in the List 364, para 32,

65. PAR 1875-76 (Lahore, 1876), para 59.

66. Inspector General of Police, Punjab.

67. She was a missionary. In 1867 she wrote an article on 'Prison Discipline in India' in 'Edinburgh Evening'.

"morally worse" than before on their return to society. He further justified this conviction on the basis of the statistics of crime in his district where the number of prisoners under surveillance⁶⁸ and the death rate had steadily increased.⁶⁹

Major Hutchinson's criticism is untenable because the number of prisoners under surveillance and the death rate in the jails had nothing to do with the reformatory and non-reformatory character of Punjab jails. The prisoners were of course 'morally worse' but Major Hutchinson was himself responsible for all this. Whenever a prisoner was released from jail his name was entered in his registers as '*badmash*' and he was thus always suspected by his neighbours and the police authorities. Many men were driven into crime by the knowledge that they were registered '*badmash*'. This system in itself was deplorable⁷⁰.

Miss Carpenter in an article on 'Prison Discipline in India' had said, "At present day criminals of all classes, old and young, male and female, are in our ordinary Indian prisons mixed and mingled together rather like brute beasts than human beings, one cell in many cases common to all, one treatment the lot of all, one common neglect and disregard the fate of all, no classification of prisoners, no provision as to moral proprieties, no education of any kind either as to the world that is to come? Inconceivable and incredible as this may appear to be, it is nevertheless a fact stern, bold, indisputable fact."⁷¹

Miss Carpenter's observations however do not apply to Punjab. It was nowhere the case that male and female prisoners

68. *No of Prisoners under Surveillance.*

1863	:	28,771
1864	:	23,000
1865	:	46,117

69. *Death rate statistics*

1863	:	8.67 per cent.
1864	:	9.68 per cent.
1865	:	9.82 per cent.

70. Note by E.C. Bayley, Secy. to the Govt. of India, Home Deptt. Hom. Judl. B, Procdg. Nos. 22/22B, dt. 18 Jan., 1868.

71. Copy of an article from "Edinburgh Evening Courant" dated 15th October, 1867. Home Judicial 'B' Procdg. Nos. 22/22B dated 18 January, 1868.

were confined in one cell or room. It was never so. It was contrary to every order issued by the jail authorities. It is also wrong that jails in this province had no schools, no reformatories and no classification of prisoners.⁷² It is, however, true that separate sleeping accommodation was not provided for every prisoner. Considerations of expense at that time did not permit the jail authorities to provide such accommodation to prisoners.

The truth is that the state of the jails in Punjab was not a whit behind that of any other part of India. As early as 1864 the Indian jail Commission had observed that "a great degree of perfection had been obtained as circumstances would admit."⁷³ This progress was consistently maintained in Punjab. It is remarkable to note that Punjab availed itself of the experience of the older provinces in the management of jails as in other departments of administration⁷⁴ and compared favourably with them⁷⁵.

72. Note by E.C. Bayley, Secy. to the Govt. of India, Home Deptt. Home Judl. B. Procdg. Nos. 22/23B, dt. 11 Jan. 1968.

73. Judicial Commissioner, Punjab to Secretary to the Govt. of Punjab dt. 19th May, 1864. Police Report 1863 (Lahore, 1863).

74. Journal of a tour of inspection of the Principal Jails in India by the Inspector General of Prisons, Bombay. Selection from Bombay Records Nos. 84-92.

75. PAR 1875-76 (Lahore, 1876), para 61.

CHAPTER V

EDUCATION

Punjab was one of the last provinces of India to be annexed by the British Government. The principal educational aims and the fundamental principles of the educational policy of the Government of India had already been formulated and decided upon in relation to its work in other provinces. As early as 1829 Lord William Bentinck stated the settled policy of the Government in the following words : "It was the wish and admitted policy of the British Government to render its own language gradually and eventually the language of public business throughout the country."¹ His famous proclamation of March 1835 promulgated that the chief aim of the educational policy should be to promote a knowledge of European literature and science and that all funds appropriated for the purpose of education would henceforth be employed in imparting to the native population a knowledge of English literature and science through the medium of the English language.² Time undoubtedly justified Bentinck's policy but also exposed the utter impracticability of this view.³ In 1840 when the control of the educational institutions in North-Western Provinces was transferred from the Government of Bengal to the local Governments, the latter came to the conclusion that in order to produce any perceptible impression upon the minds of the people, the attempt should be made to introduce education through the medium of the vernacular language and not through any foreign tongue.⁴ Again in the despatch of the Court of Directors to the Government of Madras dated 23rd March, 1847, it was reiterated that the principle of religious neutrality should be observed and enforced by the British Government in India in its educational

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1. James H.R. *Education and Statesmanship in India*, (London, 1917), p. 29.
 2. Zellner, A.A. *Education in India*, (New York, 1951), p. 59.
 3. Thomas, F.W. *The History and Prospects of British Education in India*, (Cambridge, 1891), p. 39.
 4. Richey, *Selections from Educational Records*, Part II, p. 229.

dealings as well as in the general administration of the country. Dalhousie followed the policy handed down to him by his predecessors.⁵

The Despatch of 1854 provided for the improvement and far wider extension of education, both through the media of English and the Vernaculars. The means prescribed for the attainment of these objects were (1) the constitution of a separate department for education,⁶ (2) the institution of Universities at the presidency towns,⁷ (3) the establishment of institutions for training teachers for all classes of schools. The existing Government Colleges and High Schools were to be maintained, and new ones opened where necessary. New Middle Schools were to be established and more attention was to be given to vernacular schools, indigenous or otherwise, for elementary education.⁸ (4) Lastly, a system of grants-in-aid was to be introduced to encourage and aid private enterprise in the cause of education.⁹

The aim of education remained the same as heretofore, *i.e.*, "the diffusion of the improved arts, science, philosophy and literature of Europe, in short of European language".¹⁰ The medium of instruction was the vernacular language but at the same time English continued as the medium for those persons who possessed a sufficient knowledge to receive general instruction through this language. The change in the medium of instruction was thus definitely recognized and authoritatively pronounced by the Government.¹¹ A system of scholarships tenable in colleges, high schools and lower schools was to be instituted to encourage and reward the promising students of

5. Mehta, H.R. History of the Growth and Development of Western Education in Punjab, (Punjab Govt. Printing, 1929), p. 14.

6. Despatch from the Court of Directors to the Governor General in Council, 1854, paras 17 and 18.

7. *Idem*, para 25.

8. *Idem*, paras 41-2.

9. *Idem*, paras 51-2.

10. *Idem*, para 7.

11. Before 1854 vernacular education had not received the amount of attention it deserved. Schools for imparting instruction through the medium of vernacular or English were separately organized. After 1854 there were only one class of schools and these were known as Anglo-Vernacular Schools.

high schools, middle schools and village or primary schools, respectively, and to connect lower schools with higher schools and higher schools with colleges. Female education was henceforth to be supported by Government. Lastly, the principle of religious neutrality was again affirmed, though the Bible, as before, was to be placed in the libraries of the colleges and schools and the pupils were allowed to discuss it freely.¹² In the light of these positive recommendations Punjab Government had not much to do except to implement them

It is now necessary to refer to the Secretary of States Despatch of 1859 which constituted the second important document on which the system of Indian Education was based. It reviewed "the progress made under the earlier despatch, which it reiterated and confirmed with a single exception, as to the course to be adopted for promoting elementary education".¹³ The grant-in-aid system had been freely accepted by private schools, both English and Anglo-Vernacular but the people failed to co-operate with the Government in promoting elementary vernacular education. It was therefore suggested in the Despatch that "the means of elementary education should be provided by the direct instrumentality of the officers of Government".¹⁴ In Punjab, as we shall see later on, the intentions of the despatch in this respect had already been anticipated. The subsequent despatches of 1864 and 1866 supported and amplified the two great despatches detailed above.¹⁵

The beginnings of a modern system of education in Punjab were made almost immediately after its annexation. During the first four years education was placed under the control of the Judicial Commissioner, Mr. Robert Montgomery, and all communications on the subject from the various districts and divisional officers passed through him. In September 1854 at the request of the Judicial Commissioner the control of education was transferred to the Financial Commissioner, Mr. D.F.

12. Thomas, F.W. *The History and Prospects of British Education in India*, (Cambridge, 1891), pp. 61-2.

13. Thomas, F.W. *The History and Prospects of British Education in India*, (Cambridge, 1891), p. 62.

14. Despatch of 1859, para 50.

15. Thomas, F.W. *The History and Prospects of British Education in India*, (Cambridge, 1891), p. 63.

Macleod. That these early administrators were genuinely interested in the spread of education is borne out by the fact that in 1850 the Board placed before the Government of India the question whether a school should be established at Lahore or Amritsar.¹⁷ The Government decided in favour of the latter city^{17a} and an annual grant of Rs. 5,000 was sanctioned for it.¹⁸

The selection of Amritsar for an educational establishment was judicious from every point of view. Its wealth, trade and religious importance were such considerations which could not be ignored. Another factor which weighed with the Government was that Manjha, the heart of the Sikh country, was the least educated part of the upper districts of the Bari and Rechna *Doabs*. Every possible effort was therefore to be made to elevate and enlighten the youths of what may be considered as the religious capital of Punjab. From the political point of view too it was deemed proper as it would infuse peaceful and industrious habits among the village communities of the Sikh faith from the Nurpur Hills to Lahore.¹⁹

The Amritsar school provided instruction in the English language as well as in oriental languages. It soon became popular²⁰ and it was natural because the people of this area even prior to its establishment had evinced a keen interest to learn English. Reading, spelling and writing of English, arithmetic, elementary geometry and geography, constituted the course of study. There were also Hindi, Persian, Sanskrit and Gurmukhi departments in this school. The Sikh students in the Gurmukhi Department formed one-fifth of the total number

16. Secretary, Fort William, Foreign Deptt. to John Lawrence Esq. Chief Commissioner of Punjab. Foreign Procdg. No. 215 dt. 18 August, 1854.

17. Bruce, J.F., *A History of the University of Punjab*, (Lahore, 1933), p. 1.

17a. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 372.

18. Despatch from the Hon'ble the Court of Directors No. 61 dt. 13 Sept. 1854. Foreign Procdg. Nos. 39-46 dt. 16 Feb., 1855.

19. P. Melville, Esq., Secy. Board of Administration to Sir H.M. Elliot, Secy. to Govt. of India with the Governor General dt. Lahore, the 20th November, 1850. Foreign Procdg. Nos. 21-9, dt. 31 January 1851,

20. Mr. Arnold's First Report, 1857, para 2, quoted in Selections from Educational Records, Part II, by Richey.

of students.²¹ The education provided in the school was a training of the faculties rather than a moral instruction. The attendance was not satisfactory because students were given the option to attend the classes or not. The studies were sometimes desultory and the attention lax.²² But pending any systematic effort it was the part of wisdom and sound policy followed by the British Government to co-operate with the people in the first attempt at educational reform in Punjab.²³

Besides the Amritsar school some district officers interested in education established schools out of the local funds. There was a flourishing school at Rawalpindi. Early in 1853 it was entrusted by the district authorities to the American Presbyterian Mission which had already established an excellent school of similar capacity at Lahore. In both these institutions instruction was provided through the medium of the English language. Similar schools were established at Gujrat, Amritsar, Ferozepur, Ludhiana, Ambala, Kangra and Kotgarh in the hills near Simla. The total number of schools directly or indirectly maintained by Government prior to the organization of the Education Department was thirty-five.²⁴

Reverting to indigenous education it may be said that at the time of the establishment of a school at Amritsar in 1850, the Board of Administration also called upon the Commissioners of Divisions to furnish educational reports for their divisions. Reports were subsequently received from all the divisions, excepting Leia and Peshawar, where much progress had not been made in this sphere.²⁵ These reports revealed that the number of students in the various schools was lower in Punjab when compared to North Western Provinces.²⁶ In

21. Foreign Miscellaneous Series, S. No. 156, No. in the List, 356-59, para 380.

22. Idem, para 381.

23. Mr. Arnold's First Report, 1857, para 2, quoted in Selections from Educational Record, Part II by Richey.

24. Foreign Misc. Series, S. No. 157, No in the List 364, para 71.

25. Foreign Misc. Series, S. No. 156 in the List 356-59, para 372.

<i>Division</i>	<i>One school to every inhabitant</i>	<i>One student to every inhabitant</i>
Lahore	1,783.98	214.85
Jehlum	1,441.90	193.10
Multan	1,666.66	210.88
Agra Presidency	2,912.20	326.14

quality also education provided in Punjab was inferior to that of North Western Provinces.²⁷

There were three kinds of schools for the Hindus, Muslims and Sikhs, respectively. At the Hindu schools, writing and the rudiments of arithmetic were generally taught in the Hindi character. At the Muslim schools the students read the *Koran*, in Arabic, and the dialectic and poetical works of Sadee in Persian. At the Sikh school the *Grunth* or the repository of their faith, was taught in *Gurmukhi*²⁸. The studies were chiefly confined to sacred books in all these schools. It is remarkable that female education also existed in all parts of Punjab. The girls and the teachers belonged to all the three communities namely, Hindus, Muslims and Sikhs. The number was not of course large but the existence of such an education was encouraging because in other parts of India it was not so prominent.²⁹

The schools in Punjab, as elsewhere, were housed in private dwellings, the village town hall, the shade of tree, a temporary shed, or the courtyard of a temple. The Muslim schools were connected with the village mosque. In such a case, the same endowment supported the school as also the mosque. Whenever any land was granted in rent-free tenures for such a purpose, either by the state and its representatives or by the proprietary community, such foundations were gladly maintained by the Board. The remuneration of the teachers consisted of presents, grain, and sweet meats given by the students and their parents. But occasionally the whole community subscribed for the support of the school. Frequently cash payments were also made. Sometimes regular salaries were allowed. Cash allowances were perhaps more usual in Punjab than in North Western Provinces.³⁰

In parts of North Western Provinces, it is discouraging to observe, education was circumscribed within certain castes, such as *Brahmins*, *Brantias* and *Kayasthas* who were exclusively devoted to learning, commerce or penmanship. The great land-holding and agricultural communities were wholly illiterate.

27. Foreign Misc. Series S. No. 136 No. in the List, 356 59, para 374.

28. Idem, para 375.

29. Nurullah and Naik. History of Education in India, (Macmillan & Co. Ltd., 1943), pp. 151-2.

30. Idem, para 377.

A similar dis-proportion existed also in many parts of Punjab. But, in other parts education was imparted to the agricultural population also. In many districts, both agricultural and non-agricultural classes manifested a desire for education. In 1850 it was found that many old schools had sprung up since annexation. In the cities, numerous petitions were received by the local authorities praying for the establishment of schools. Manifestation of such feelings was rare in other parts of India, and the Board therefore did not neglect the demand of the people.³¹

It was however in 1853 that a definite plan for the development of indigenous education was formulated in Punjab. That year it was proposed to extend the system prevalent in North Western Provinces to Punjab for it had proved successful there.³² This system of vernacular education was known a "*Halqa Bandi*" system. According to this system sites were selected in each district for village schools. The selection of sites was determined by its geographical situation, the state of the existing indigenous schools, and the relation of the village chosen to the neighbouring villages. Thus at the time of establishing a school care was taken to meet the wants not of one village only, but of a cluster of villages.³³ The theory of this plan was that no village should be out of reach of a school. Practically two miles was the limit of what may be called "within reach."³⁴

The following were the salient features of this plan:³⁵

- (1) The establishment of Government schools in the interior of the districts; the appointment of District Inspectors one in each district aided by several assistants to stimulate education by moving from village to village explaining to the people the advantages of a school, teacher and books. These officers were also to induce the local communities to set up one school at least in every circle of villages so that there may be

31. Idem, para 378.

32. Foreign Misc. Series S. No. 157, No. in the List, 363, para 457.

33. Mr. Arnolds First Report, 1857, para 58 quoted in Selections from Educational Records Part II, Edited by Richey.

34. Idem.

35. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 459.

no village throughout Punjab in which the children do not attend some rudimentary school. The supervisory staff was for sometime to be drawn from North Western Provinces but the school teachers were to be Punjabis.

- (2) Some special schools for the training of teachers such as Normal schools were to be established. The general system was to be introduced according to the circumstances of particular tracts, but all districts and divisions were to have a share in the benefit of this type of education.
- (3) The Persian and Urdu languages were to be taught in all schools under the patronage of Government but other languages such as Hindi, Sanskrit, Gurmukhi and Punjabi were not to be discouraged.

This scheme was submitted to the Supreme Government and the principles enunciated in it were approved by the authorities in England.³⁶ But early in 1855 the Despatch of the Hon'ble the Court of Directors initiating a new era in the development of education in India was received at Lahore. The Chief Commissioner communicated it to the Financial Commissioner who was in charge of education and asked him to give effect to its recommendations. The previous scheme for the development of education was thus superseded by the Despatch of 1854.³⁷ In the new scheme that was formed it was proposed to open 30 schools at district headquarters, 1,000 village schools in rural areas, four Normal schools and a Central college at Lahore. All of them were to be supervised by one Director and two inspectors at a cost of three lakhs of rupees per annum plus Rs. 15,000 as grants-in-aid to missionary and other private schools. The funds for the purpose were to be obtained from the people themselves by a one per cent "education cess" on the land revenue.³⁸ In 1856 the Government of India sanctioned this scheme and accordingly steps were taken to commence the organization of the Education Department.³⁹

36. Minute by Marquis of Dalhousie dt. 6 June, 1854. Home Deptt. Education Procdg. Nos. 49-50 dt. 20 October, 1854.

37. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 70.

38. Idem, paras 71-72.

39. Idem, para 73-74.

During 1856-57, the machinery of the Department was organized. A Director General was appointed on a salary of 1200 rupees per mensem; two Inspectors, on a salary of 600 rupees per month for the Eastern and Western Circles, 11 Deputy Inspectors, each to receive a salary ranging from 80 to 150 rupees per mensem, and to supervise two or more districts; and 17 Sub-Deputy Inspectors on salaries ranging from 20 to 60 rupees. Each district was divided into three or four tehsils or sub-divisions for administrative purposes. A Government school was established at the Head Quarters of each tahseel and in this way some 107 schools came into existence. The principle of arranging with the landholders to pay for education a sum calculated at one per cent on the assessed land tax was carried out everywhere in Punjab (save in Leia and Hazara) without any objection being raised by the people. In this way Rs. 1,38,000 were collected and 456 village schools were established. Each of these schools was placed in a central position so as to be accessible to the children of three or four villages. Grants-in-aid to the amount of Rs. 6,570 were accepted on behalf of Mission Schools in various parts of Punjab. One Normal School was established.⁴⁰ Such was the beginning made during the first year of the inauguration into Punjab of the new system of education introduced by the Despatch of 1854.

The second year 1857-58, had hardly commenced when the disturbances in Bengal and North-Western Provinces broke out with fury, and excitement rose high throughout Punjab. The educational officers then resolved not to attempt the establishment of fresh village schools until the crisis had passed over, and concentrated all efforts for the maintenance of government schools set on foot during the past year. The hope entertained for the establishment of many hundreds of additional schools was thus deferred for some 8 months. It is interesting to note that attendance in the Government schools did not diminish during this period. During the first quarter May, June and July 1857, the first three months of trouble, there was actually a slight increase over the attendance of the preceding peaceful quarter. During the next quarter of August, September and October, three months of awful crisis, there was a diminution

40. Foreign Misc. Series, S. No. 157, No. in the List 365, para 48.

of only 97 pupils out of a total strength of 9,900 which, in fact was no perceptible diminution at all. Even in the Cis-Sutlaj States which were disturbed extensively the Government schools did not suffer. At Rawalpindi only, were there any symptoms manifested of religious bigotry against the educational arrangements. In all other places, even on the fanatical Frontier, there was no suspicion or prejudice raised on account of the schools. By November, the crisis was over, and the establishment of additional village schools was immediately taken in hand. Nearly 700 new schools were established by the end of December. The system, which sustained during a time of trouble, was expanded. The attendance at Government schools increased month by month. The system of education improved and more village schools were established.⁴¹ These facts may be regarded as a proof of the desire of the people of Punjab to give their children the benefits of education. Collaterally they furnish evidence of the loyalty and good feelings of the people of Punjab towards the Government.⁴²

The Government schools were divided into *zillah* and *tahsili* schools. *Zillah* schools differed from *tahsili* schools in two respects: (1) The establishment of a *Zillah* school was larger than that of a *Tahsili* school and the course of instruction was higher. (2) Unlike the *tahsili* schools *Zillah* schools had provision for the teaching of English. The medium of instruction in these schools was Urdu and the subjects of study included History, Geography, Arithmetic and Grammar.⁴³ This was a great advance upon the system of education which was in existence in Punjab prior to its annexation. The introduction of regular classes in schools was the distinguishing mark between European and Indian method of teaching. The Urdu language, with the Persian character, was used in Government schools. The pupils chiefly belonged to the non-agricultural classes. In 1859 at the Amritsar school classes in which Gurmukhi and Sanskrit were taught, were abolished. Two Normal

41. Idem, para 49.

42. Secretary to the Govt. of India to the Secretary to the Govt. of Punjab dt. 23 January, 1860, Selections from Educational Records, Vol. II, by Richey.

43. Mr. Arnold's second Report, 1858, para 9 quoted in Selection from Educational Records Vol. II by Richey.

schools were established at Lahore and Rawalpindi and teachers who were found deficient in knowledge were required to qualify at these institutions. As regards the establishment of higher kinds of government schools it is necessary to point out that in 1859-60 on the visit of the Governor General to Lahore, the *Sirdars* made a request to him for the establishment of a college at this place. This was however not acceded to because the general system of education had not advanced much. However, steps were taken for the creation of a first class school at Lahore in 1859 since many of the chiefs and courtiers of the Sikh *darbar* were living in that city. It is interesting that even when anxious to maintain their exclusiveness these chiefs were quite alive to the need of imparting good education to their wards. Students were divided into two groups in the school. Into the higher group only the sons of persons who were eligible for the Governor General's *Darbar* were admitted. In the lower, there was no distinction of rank. This arrangement was extremely agreeable to the upper class for it enabled them to send their wards to the school. As it was, there were about 60 boys in the higher department and 140 altogether. In this school besides admission and other fees donations were also accepted from the students.⁴⁴

Experience brought to light many defects in the organization of the Education Department. These inherent defects in the working of the department even neutralised the exertions of the more enthusiastic and devoted superintending officers. In 1859, reports on the subject were accordingly called from the civil authorities as well as the departmental functionaries by the Lieutenant Governor. A very elaborate commentary on the past operations was also submitted by Mr. Roberts, the Offg. Financial Commissioner, under whose official control, upto this time, educational operations were carried on. In the several reports submitted, there was a very general agreement as to the unsatisfactory results of the efforts made in the last three years to diffuse education among the people.⁴⁵ After a careful review of the information collected, the Lieutenant Governor traced the imperfections of the system mainly to the following causes⁴⁶:-

44. PAR 1859-60 (Lahore, 1860), para 73.

45. PAR 1859-60 (Lahore, 1860), para 55.

46. Fuller's Report on popular Education, (1859-60). Selections from Educational Records Vol. II. by Richey.

- (1) *Too much was attempted at first* : When the Department was first formed the instruments of education were not in existence. In spite of the fact that the number of persons qualified to give instruction or to supervise the teachers was insufficient, schools of all grades had been simultaneously established in all the districts of Punjab.
- (2) *Incapacity of the school teacher* : The teachers imported into Punjab from Bengal and North Western Provinces were inferior to their colleagues in North Western Provinces and Bengal. Being outsiders they had no influence with the people. During the mutiny they fell under the suspicion of the Government. Many of these school teachers who had even served for long periods were dismissed. Their substitutes were educationally inferior to them. This naturally effected the quality of instruction.
- (3) *Inefficient Supervision* : Each Inspector had to visit nearly 600 schools besides reading the numerous reports of the local subordinates and checking accounts. They were over-burdened with work. The schools were not thoroughly inspected and the local staff was not strictly controlled.
- (4) *Dissociation of the Education Department with the Civil Authorities* : In Punjab the people looked upon the district officers as the representatives of the government and gave importance to all the measures which emanated from them. But as they were not given the control of education quite naturally they took little interest in its development. Their indifference reacted on the people and thus education suffered.

In 1860 measures were therefore taken to reorganize the Education Department.⁴⁷ The Deputy Inspectors and Inspectors, many of them from Bengal and North Western Provinces, were dismissed with gratuities. The general superintendence of the vernacular schools—*tahsili* and village—was transferred to

47. The Secy. of State for India to the Govt. of India Home Dept. Procdg. No. 14 dated 8th April 1861.

the district officers. The expense of the *tahsili* schools heretofore paid from the general revenues was to be met from the funds raised by additional one per cent education cess. Arrangements were made for increasing the number and efficiency of the Normal schools for training vernacular teachers. A beginning was made for the establishment of high schools at the chief towns where the study of English was provided by competent teachers without excluding vernacular instruction. The saving effected by the dismissal of the local superintendents and by defraying the expense of the *tahsili* schools from the one per cent fund was devoted to the improvement and multiplication of these schools.⁴⁸ However even this new management according to which schools had been brought under the control of the civil authorities was found to be not very satisfactory. Many of the *tahsildars* because of their multifarious administrative and revenue duties were not able to conduct any close supervision of these elementary schools. In 1861 a qualified local person was therefore placed at the disposal of each district officer for the purpose of supervising the educational details of the schools.⁴⁹ These arrangements were maintained till 1875.

It would now be proper to examine the progress of education in different fields upto 1875.

School Education

Town and village schools were reorganized. Formerly town schools were known for their location at the headquarters of the *tahsils* but now they could be transformed into *tahsili* schools if they did not reach a certain standard of merit. Similarly *tahsili* schools could be elevated to town schools if they reached that standard. The new arrangement proved successful. Those teachers whose schools were promoted felt encouraged. Those who had fallen to the village grade felt the loss of prestige and feared the loss of pay. So they did their utmost to retrieve their lost position. The door of promotion was thrown open to the humblest village teacher who strove to push onwards. A clear line of demarcation was now drawn between

48. PAR 1859-60 (Lahore, 1860), para 56.

49. Idem, para 73.

the higher and lower grades of vernacular schools. The anomaly that largely-attended schools, even though they deserved to be ranked in the higher grade, should be treated as schools of the lower grade simply because they were not located at the headquarters of a *tahsil* was removed.⁵⁰

The conditions for the establishment of a town school were that it must have an average daily attendance of 50 pupils; 20 boys at least must have passed beyond the 6th class; and some must have advanced as high as the 3rd class. Where an elementary English teacher was employed in the school, it was laid down that 50 boys must be learning English and 20 must have passed beyond the subjects prescribed for 9th class of *zillah* schools.⁵¹

This arrangement continued till 1868 when a change was effected. In lieu of the former classification of schools into *zillah* or District schools, Town schools, and Village schools, all schools Government or aided, were classified as under :

- (1) Higher Schools, teaching up to the standard of the Calcutta University Matriculation Examination.
- (2) Middle class schools, in which the following subjects were taught : English, Urdu Composition, Persian, and in some cases Sanskrit, Arithmetic upto vulgar decimal fractions, proportion, etc., Geography and History.
- (3) Schools of the lower class, in which instruction was given in Reading, Writing, and the Elements of Arithmetic, all in the Vernacular.

The above-mentioned schools were either supported entirely from the educational cess, or were covered by the grant-in-aid system. Students were not allowed to proceed from the lower to the middle school or from the middle to the higher, until they passed a satisfactory examination.⁵²

Village Schools or Schools of the Lower Class

The number of village schools steadily decreased owing to

50. PAR 1862-63 (Lahore), MDCCCLXIII, para 124.

51. Idem, para 125.

52. PAR 1868-69 (Lahore, 1869), para 378.

the elevation of some of them to the rank of town schools and to the abolition of several schools in which the attendance was low. The progress of these schools may be judged from their elevation to the rank of town schools but in general they suffered from the difficulty of obtaining good teachers and lack of proper supervision.⁵³ In 1870 efforts were made to remedy these defects. Salaries of school teachers were raised from Rs. 5 to Rs. 10 per mensem and local Deputy Inspector of Schools were appointed to ensure effective supervision.⁵⁴ The status of the teachers as well as the management of these schools gradually improved.⁵⁵ Under the decentralization system of finance, education was transferred to the control of the provincial authorities. Punjab Government had now greater autonomy to allocate more funds to education and it was hoped that education would be further promoted.⁵⁶

Town Schools or Schools of the Middle Class

Town schools were efficiently supervised by the government and were very popular. Education in these schools was mostly promoted through the help of the Local Committees of Instruction which consisted of the leading people of Punjab. The students of these schools rendered useful service in the land revenue settlement work.⁵⁷ The employment of 'pupil-teacher system',⁵⁸ which was introduced to economize the cost of instruc-

53. PAR 1864-65 (Lahore, 1865), para 141.

54. PAR 1868-69 (Lahore, 1869), para 379.

55. PAR 1874-75 (Lahore, 1875), para 307.

56. PAR 1873-74 (Lahore, 1874), para 321.

57. PAR 1866-67 (Lahore, 1867), para 154.

58. This system was first of all tried in Ambala. A.M. Monteath, in his 'Note on the State of Education in India during 1865-66', described this system in the following words: "In the Ambala Circle Lt. Holroyd has extended the pupil teacher system in large vernacular schools as far as funds and the attainments of boys would permit, so that in some places they have been substituted for assistant teachers in sufficient number to allow of each class having a separate pupil teacher. Thus all the classes receive more attention, attendance is increased by the popularity of the measure, emulation is excited, and an incentive to study afforded, as the appointments are thrown open to competition. The best boys are also kept longer at school than they would otherwise be likely to remain, and from them candidates can be selected for instruction in the normal schools, who stand every

tion and supply the normal schools with pupils of an age who could profit by their training,⁵⁹ was pursued with success in these schools.

Zillah Schools or Schools of the Higher Class

In accordance with the scheme initiated in 1859-60 the number of *zillah* schools gradually increased from 6 to 20.⁶⁰ The curriculum for *zillah* schools was the same as was adopted in North-Western Provinces after a long experience. The classification of curriculum depended upon the students' knowledge of the English or the vernacular language. Students in lower classes were generally required to read very simple Urdu works. These, however, they mastered very quickly and by utilising the spare hours of their vernacular studies to the study of English they were able to qualify themselves for promotion to a higher class. The greater intelligence gained by them in their vernacular studies assisted them considerably to overcome the difficulties of English. In this way their rise was doubtlessly rapid until they reached the class for which they were fitted both by their acquirements in English and vernacular.⁶¹

Another principle was that English was taught simply as a language during the first few years of a boy's education. He acquired general knowledge through the medium of his own tongue until he was sufficiently conversant with English and could understand with tolerable ease books written in English on subjects like Arithmetic, History or Geography. After acquiring some proficiency in these subjects by his previous course of reading in the higher classes, he was able to revise his know-

chance of turning first rate teachers eventually. Examinations of the senior vernacular scholars of districts have accordingly been held by Lt. Holroyd at various Sudder Station and Selections of pupil teacher made from the best candidates. In Ferozepur no less than 18 were thus appointed after an examination of this kind. Under really good teachers, the appointment of pupil teachers is no doubt preferable to the maintenance of an assistant on a high salary and may be effected at a very little more expense."

59. PAR 1864-65 (Lahore, 1865), para 151.

60. PAR 1960-61 (Lahore, MDCCCLXI), para 76.

61. Report of the Director of Public Instruction 1860-61 quoted in PAR para 77.

ledge with the aid of more advanced English treatises.⁶²

The curriculum was in theory designed for boys who were supposed to have no knowledge either of English or the Vernacular on entering a government school. The greater time in the lower classes was prescribed for the study of vernacular which was of the first importance. Practically, most of the boys while entering *zillah* schools possessed some knowledge of their own tongue, and so more time was given to them to pick up the English language. As a student advanced to the higher class, the time for studying English gradually increased and that allowed for the vernacular appeared short in consequence. The object in adopting this curriculum was to educate a student upto the standard of the Calcutta University Matriculation examination.⁶³ It was for the first time in 1861 that students from these schools were declared successful at the Matriculation Examination of the Calcutta University. Each succeeding set of candidates who appeared in this examination showed an improvement upon the previous batch.⁶⁴ The plan of giving scholarships at these schools to the best boys from the town and village schools was extended as far as funds permitted.⁶⁵ This further stimulated the desire for learning. Many indigenous schools which were under the supervision and patronage of local people adopted the scheme of studies prescribed for Government schools. Thus the indigenous schools of Punjab acted as feeders to superior government schools and the interest of influential people was enlisted in the cause of education.⁶⁶ These indigenous schools were known as "Branch-Schools."⁶⁷

62. Idem.

63. Idem.

64. PAR 1862-63 (Lahore, MDCCCLXIII), para 141.

65. Idem, para 118.

66. PAR 1864-65 (Lahore, 1865), para 139.

67. A.M. Monteath in his Note on the State of Education in India, 1865-66, described the Branch School system in the following words : "Commenced at Delhi the system has been there carried out very completely and has been gradually extended to other places. It is very economical and decidedly efficient and popular. We can never depend upon more than a small percentage of boys, who enter our schools in the lowest class, staying until they reach the highest class, and pass the University Entrance Examination. The early way then

It is interesting to note that in 1873-74 the proportion of successful candidates from Punjab at the Calcutta University Entrance examination was quite upto the average throughout the Bengal Presidency. Profiting by the experience of other provinces, Punjab authorities organized a system of education which avoided the defects observable in Bengal and North-Western Provinces. The Punjab system aimed at providing simultaneously for the higher standard of education and for the elementary instruction of the mass of the people, copying for the former object the admirable system and organization of the Bengal *zillah* schools, and for the latter the system of "*Halqa Bandi*" schools so successfully worked out in North Western Provinces.⁶⁸

Normal Schools

For the promotion of education Normal schools were established in Punjab. Prior to 1860 there were eight such schools. These were subsequently amalgamated with the schools at Lahore, Rawalpindi and Delhi because it was considered more useful to have a few first class institutions serving the various parts of Punjab than a large number of institutions scattered about at unimportant places where educational facilities were not easily available.⁶⁹ The number of government normal schools therefore stood at three until 1875. In addition to these, there existed at Amritsar an aided Normal school

to secure the full number in the class which a single master can manage say from 20 to 25 boys, is to have at least 800 boys in all under instruction. The plan followed, as a rule, is to let beginners attend the branch schools, which are located in the most convenient places all about the city or suburbs. The numbers in the main school are then kept up to the full limit that the main building can hold, and the main staff of masters can manage, by drafting into the best of the branch scholars. Eventually these branch schools will, it is hoped, bring their pupils through the first or lower half of the whole curriculum, after which four years passed in the main school will bring a scholar upto the Matriculation standard."

68. Monteath, A.M. Note on the State of Education in India during 1865-66. Selections from the Govt. of India Home Deptt. Records No. LIV.

69. Mehta, H.R.A. History of the Development and Growth of Western Education in Punjab, (Lahore, 1929), p. 54.

which was opened in 1866-67 by the Christian Vernacular Educational Society.⁷⁰ The initial period of training at these schools was six months⁷¹ but a change was made in 1869-70 at the time of the introduction of Middle School examination. Boys who passed this examination were engaged as pupil teachers and eventually sent up for training at these schools. At the end of two years study an examination was held for Primary Teachers Certificate. The third year of study was optional and the examination held thereafter qualified the candidates to teach in Middle schools. In a word, using the present day terminology a differentiation was henceforth made between teachers holding Junior Vernacular and those holding Senior Vernacular certificates.⁷²

The great difficulty with these schools was that good students did not like to join them on small stipends varying from Rs. 3 to Rs. 5 per mensem.⁷³ These stipends were so miserably inadequate that the students⁷⁴ did not stick to the scholastic profession but sought more lucrative employment in other departments.⁷⁵ Relief was however afforded to these schools in 1870 by raising the stipend from Rs. 5 to Rs. 10 per month. Students thereafter felt the attraction to join these schools.⁷⁶

The training of female teachers during this period was left entirely to private enterprise. The first Normal school for girls was opened at Delhi by the S.G.P. Mission in 1863-64.⁷⁷ Normal schools next year were opened at Lahore and Amritsar by the Local Committees of Instruction.⁷⁸ The European Training School at Delhi was established in 1875.⁷⁹

70. PAR 1866-67 (Lahore, 1867), para 161.

71. PAR 1860-61 (Lahore, MDCCCLXI), para 74.

72. Mehta, H.R.A. *History of the Development and Growth of Western Education in the Puniab*, (Lahore, 1929), p. 55.

73. PAR 1866-67 (Lahore, 1867), para 160.

74. PAR 1868-69 (Lahore, 1869), para 384.

75. PAR 1866-67 (Lahore, 1867), para 167.

76. PAR 1870-71 (Lahore, 1871), para 366.

77. *Reports on Popular Education in the Punjab and its Dependencies*, 1863-64 (Lahore, 1869), para 57.

78. *Report on Popular Education in the Punjab and its Dependencies*, 1864-65 (Lahore, 1865), para 75.

79. *Report on Popular Education in the Punjab and its Dependencies* 1875-76 (Lahore, 1876), para 100.

Medical School

The year 1860-61 was memorable for the opening of the Medical School at Lahore.⁸⁰ This institution consisted of two classes, the senior class provided training for the course of Sub-Assistant Surgeons and the Junior for training of Hospital Assistants and Doctors. In each class there were two groups of students. One group consisted of students who had to join government service on the completion of the course. They were maintained at government expense. The other group consisted of students who had to join service in their local districts. They were helped by local funds.⁸¹ Instruction in the Junior class was principally carried on in Urdu and the course of study extended over a period of three years.⁸² The students who had to join government service were selected on the basis of a competitive examination which was open to candidates from all parts of Punjab.⁸³ The course extended over a period of five years.⁸⁴ Both classes were open to students from North Western Provinces as well as Punjab, but half the number of scholarships were awarded to students from the former provinces.⁸⁵ In order to increase the usefulness of the institution and to ensure employment for all students who passed the final examination, it was arranged to provide them appointments in North Western Provinces, Oudh, and Central Provinces.⁸⁶

College Education

It was for the first time in 1864 that for the promotion of higher education two colleges, viz., the Lahore College and the Delhi College were established in Punjab.⁸⁷ The former was under the direction of G.W. Leitner, Esquire, M.A., Ph.D., Late Professor at King's College, London, and the latter under Mr. E. Wilmot, B.A., a gentleman of distinguished attainments

80. PAR (Lahore, ND CCCLXI), para 90.

81. PAR 1870-71 (Lahore, 1871), para 368.

82. PAR 1871-72 (Lahore, 1872), para 603.

83. PAR 1871-72 (Lahore, 1872), para 603.

84. PAR 1873-74 (Lahore, 1874), para 326.

85. PAR 1874-75 (Lahore, 1875), para 314.

86. PAR 1871-72 (Lahore, 1872), para 603.

87. Educational Despatch to India No, 20 dt. 15 August 1864. Selection from Despatches by the Secy. of State in Council, 1st Jan. 31st Dec. 1864.

at the University of Cambridge.⁸⁸ College classes were also attached to the Lahore Mission School but these were discontinued from December, 1869 as there was no room for two colleges at Lahore.⁸⁹

The college authorities at both these places devoted themselves with much earnestness to the promotion of sound education. Societies for debating and essay writing were established in the two colleges. Students were encouraged to study English newspapers and a "Society for the diffusion of useful knowledge" was set afoot. Athletic sports were organized with success. With the assistance of the Principals of Lahore and Delhi Colleges the Director of Public Instruction started a Magazine to assist students in preparing for the University Examination, and to diffuse intelligence upon educational subjects. Encouragement was given to Oriental learning by the appointment of an Arabic Professor at each of these two colleges. This measure increased respect for these institutions in the eyes of the educated classes of the people.⁹⁰

These colleges were very popular. In 1866 Delhi College had more students on rolls than any College in North Western Provinces.⁹¹ But the only problems that confronted these colleges was that students left them without completing their education because they could easily find a job in a government office where they were paid more than what they would have got had they continued their studies. People who had not yet learnt to appreciate the advantages of a finished education to an immediate increase of salary left their studies for a clerkship, and the number of candidates for the higher university examinations continued to be small. It did not increase even in 1868-69 when the government liberally offered scholarships to all students of the two colleges.⁹² In 1875 the question of the abolition of Delhi College was considered and two years later it was

88. PAR 1864-65 (Lahore, 1865), para 136.

89. Report on Popular Education in the Punjab and its Dependencies 1869-70 (Lahore, 1870). para 45.

90. PAR 1864-65 (Lahore, 1865) para 137.

91. PAR 1865-66 (Lahore, 1866), para 108.

92. PAR 1866-67 (Lahore, 1866). para 150.

abolished⁹³ because "the Government was unable to supply funds to place both colleges in a position to give their students the best and most complete education".⁹⁴ Moreover it was considered better in the true interests of Delhi and Lahore that one first-class and efficient institution should be maintained than two inefficient colleges whose instruction could never become as complete as was essential in the interests both of the Government and the people.⁹⁵

The people of Delhi were aggrieved at the closing down of the college because during its existence it had been quite successful. The college had passed 61 candidates at the First Arts, 18 at the B.A. and 4 at the M.A. examinations of the Calcutta University. During the same period 1864-76 Government College Lahore had passed 84, 25, and 7 candidates at the respective examinations.⁹⁶ The progress made by these two colleges was not less than similar institutions elsewhere. It is remarkable to note that in 1868 four students graduated from these colleges but out of the five affiliated colleges of the Calcutta University three did not produce even a single graduate for ten years.⁹⁷

Oriental University Movement

In 1865 Dr. Leitner, the founder of an association called "*Anjuman-i-Punjab*", started a movement for the establishment of a University in Punjab.⁹⁸ The special objects of the proposed University were "to afford encouragement to the enlightened study of Oriental languages and literatures, the improvement and extension of the vernacular literature of the Punjab and the diffusion of western knowledge through the medium of the

93. Lepel Griffin, Esq. Offg. Secy. to the Govt. of Punjab to the Offg. Secy. to the Govt. of India, Home Deptt. No. 2244, dt. Lahore 23 May 1877. Home Education Procdg. Nos. 27-34 dt. August, 1877.

94. Proceedings of the Hon'ble the Lt. Governor of the Punjab in the Home Department, No. 567 dt. 15 February, 1877. Home Education Procdgs. Nos. 27-34, dt. August, 1877, para 6.

95. Idem, para 3.

96. Bruce J.F. A History of the University of Punjab, (Lahore, 1833), p. 43.

97. Idem, para 3.

98. Leitner, G.W., History of Indigenous Education in Punjab, (Calcutta, 1882), p. v.

vernaculars.”⁹⁹ It was proposed to attain these objects by (a) the establishment of Fellowships and Scholarships; (b) the bestowal of rewards for good vernacular translations and compilations and for original treatises in Oriental languages; and (c) “the establishment of a Collegiate Department in connection with the University, or the grant of pecuniary assistance to other colleges conducted on a system conformable with the principles of the University”.¹⁰⁰

The movement became popular and was actively supported by many chiefs, notables and the general public besides a large number of Englishmen. Many persons promised to make liberal contributions if the Government of India agreed to the proposal for the establishment of a University in Punjab¹⁰¹. In 1868 Sir Donald MacLeod, Lt. Governor of Punjab, forwarded this proposal to the Government of India for approval¹⁰². The Government of India replied that the general principles upon which the proposal to found a University at Lahore were based, deserved the sympathy and substantial help of the Government of India. It agreed to the development of higher teaching in Punjab by extending and improving Government College, Lahore but was opposed to the establishment of a University¹⁰³.

In his reply, dated the 12th November, 1868, the Lieutenant Governor regretted that the refusal of a University by the Government of India would almost certainly quash the educational movement in Punjab, which had been supported by leading members of the aristocracy and gentry, who would withdraw their subscriptions. He, therefore, earnestly solicited that, though the scheme might be defective, the wishes of the promoters, so far as they had been accepted by Punjab Government, might be acceded to, with such modifications as might be deemed indispensable¹⁰⁴.

99. Punjab Government F. No. 39—Letter No. 235 dt. the 27th May, 1868.

100. Bruce, J.F., *A History of the University of Punjab*, (Lahore, 1933) p. 17.

101. *Idem*, pp. 14-15.

102. Punjab Government F. No. 39—Letter No. 235, dt. the 27th May, 1868.

103. Punjab Government Proceedings (Education)—November, 1868, p. 9.

104. *Ibid*, p. 13.

After further correspondence the Government of India at last sanctioned the establishment of the proposed institution with certain modifications and conditions¹⁰⁵, and this sanction was confirmed by the Secretary of State¹⁰⁶. The governing body was to be a Senate, which should have power to grant fellowships, scholarships and certificates of proficiency, but not degrees, and the institution was to be called a "University College", to mark the fact that the arrangement was temporary and intended only as a preliminary to the possibility of establishment at some future time of a University in Punjab. Punjab University College was accordingly established on 8th December, 1869.

Punjab University College conducted examinations in Arts, corresponding with those of the Calcutta University in Oriental Languages and Literature, in Law and in Medicine. Arrangements were also made for holding examinations in Civil Engineering. The Entrance Examination and the Proficiency in Arts examination were held both in English and in the vernacular¹⁰⁷. The Lahore Medical School was affiliated to Punjab University College and its examinations were conducted under the instructions of the Senate¹⁰⁸.

The Oriental College established in 1870 was maintained by Punjab University College and was placed under the charge of Mr. Palmer Boyd. Instruction was given in Arabic, Persian and Sanskrit, Mathematics, History and Geography were taught through the media of Urdu and Hindi. In 1875 classes were opened for the study of the English language and literature. Students were permitted to learn English on the condition that they devoted some hours daily to the study of oriental languages¹⁰⁹.

105. E.C. Bayley, Esq. Secy. to the Govt. of India to His Excellency the Rt. Hon'ble the Governor General of India-in-Council. Letter No. 13, dt. Simla, 22 May, 1869.

106. Despatch from Her Majesty's Secy. of State, No. 13, dt. the 5th August, 1869.

107. Report on Popular Education in Punjab and its Dependencies, 1874-75 (Lahore, 1876), para 13.

108. Report on Popular Education in Punjab and its Dependencies, 1870-71 (Lahore, 1871), para 45.

109. Report on Popular Education in Punjab and its Dependencies, 1874-75 (Lahore, 1876), para 93.

In 1872 students were given the choice of appearing either at the examinations of Calcutta University or of Punjab University College. Most of them appeared at both, at the former in order to receive the stamp which a University is supposed to impress and eventually to secure the University degree; at the latter so that they might be entitled to the scholarships granted by Punjab University College¹¹⁰. This practice of appearing at two examinations was abolished in 1875¹¹¹. Students could now appear only at the Punjab University examinations.

Under the auspices of Punjab University College the School of Industry and Art was established in 1875. The object of this school was to convey to Punjab students such knowledge of painting and drawing as might assist them in their own special trades, and especially, to develop, by improvement of tools and the introduction of more economical and better modes of workmanship, the manufactures of India. Such a school was urgently wanted. Year after year the arts and industries of India seemed to decline and the country was becoming more and more dependent on English products. The School of Art committed a grave and indeed a fatal mistake in attempting to engraft European canons of art upon Oriental art. The Muslins of Dacca, the silver work of Gujarat, the *Koftgari* of the Sialkot district, the *Shawls* of Kashmir, the carpets of Lahore, the silks and brocades of Delhi, had all a beauty of their own, and the introduction of English designs and English taste degraded and ruined them. The almost complete ruin of the Kashmir shawl trade was, in part, due to the injudicious introduction of French patterns. The object of the School of Art was to develop and improve the Indian art and not to change or supersede it by a "bastard art which was neither English nor Indian"¹¹².

Female Education

The first impulse to female education was given by Captain Elphinstone, Deputy Commissioner of Jullunder, and this was

110. Report on Popular Education in the Punjab and its Dependencies, (1875-76). Review by Major Holroyd, Director of Public Instruction, para 2.

111. *Idem*, para 101.

112. PAR 1875-76 (Lahore, 1876), para 85.

followed up by Mr. F.C. Cooper, Deputy Commissioner of Delhi.¹¹³ But the progress was slow and people took little interest in the movement. Upto 1862 the number of schools for girls was 52 and the number of students 1,168. An important step towards the encouragement of the movement was taken on the 14th February, 1863 when at the Educational Darbar held at Lahore Robert Montgomery, the Lt. Governor of Punjab; drew the attention of the nobility and the gentry to the necessity for providing education for their daughters¹¹⁴ and promised the liberal assistance of Government in carrying out the measures for this purpose.¹¹⁵ There was a favourable response to this call and accordingly committees of influential local people were formed at Lahore and Amritsar for the promotion of female education.¹¹⁶ It was decided by these committees that family priests should train up governesses so that they may in turn provide instruction to the females in the province. Thus a movement for the moral and intellectual welfare of the people was begun and the prejudices of caste or creed were set aside. It was hoped that beginning with the upper classes the stream of female education would gradually permeate into the other strata of society.¹¹⁷

This scheme was afterwards changed. It was found that the adult females, who were under instruction, had domestic cares and duties which sadly interfered with their speedy advancement in study, and young girls were much sharper learners than adults. It was also found that there was no real objection to the employment of male teachers. Whatever objection there was, was mainly directed against the innovation of teaching females at all. These objections were gradually overcome when

113. Report on Popular Education in Punjab and its Dependencies, 1862-63 (Lahore, 1863), para 62.

114. Despatch from the Secretary of State (Educational), No. 13, dt. 23 December, 1865.

115. T.H. Thornton, Esq. Secy. to the Govt. of Punjab and its Dependencies to E.C. Bayley, Secy. to the Govt. of India dt. Lahore the 13th May, 1868.

116. Despatch from the Secretary of State to Govt. of India dt. 15 August 1864. Home Deptt. Procdg. No. Nil, dt. 15 August, 1864.

117. Monteath, A.M., Note on the State of Education in India during 1865-66. Selection from the Govt. of India Home Department Records, No. CIV, para 213.

the leading members of the community openly supported the cause of female education. The system of private female instruction by family priests in the houses of the chiefs and notables and the establishment of schools in every *Mohalla* for the wives and daughters of the middle classes was welcomed by the people. Most of the schools provided elementary instruction and a good deal of student's time was devoted to the study of their own religious books. A fair amount of attention was paid to secular studies as well. The teaching of plain needle-work was introduced and it proved popular. The formation of these schools at the two chief cities of Punjab attracted the attention of all classes and greatly facilitated the spread of female education. Baba Khem Singh, a lineal descendant of the Guru Baba Nanak and greatly revered by all classes of Punjab preached at Jullundur and its neighbourhood in favour of female education. He, of his own accord, even proceeded to Rawalpindi district and its adjoining areas and stirred up the people to educate their daughters. The success of his mission was immense and girl schools came into existence by scores and hundreds in those parts of Punjab which he visited.¹¹⁸ It is interesting to point out that at the close of 1867 the number of schools rose to 915 and the number of females under instruction to 17,174. Female education was now placed upon a sound and firm footing.¹¹⁹ From 1868 to 1875 the progress of female education was, however, exceedingly slow. The great majority of the people saw no advantage in educating women, but on the contrary, a probable evil. In order to please the government many gentlemen of position interested themselves in the movement more from loyalty than conviction with the result that the moment the impulse given by the government officials was relaxed, female education declined. This was not disappointing as the government had already anticipated it. The government was aware that much could not be hoped for in a matter so closely connected with custom and prejudice.¹²⁰ In spite of this slow progress in 1866 the proportion of students receiving female instruction in Punjab was the highest when compared with other

118. *Idem*, para 214.

119. PAR 1868-69 (Lahore, 1869), para 382.

120. PAR 1874-75 (Lahore, 1875), para 83.

provinces in India.¹²¹ This is clear from the following table :

<i>Name of Province</i>	<i>No. of Schools</i>	<i>No. of Students</i>
Punjab	1029	19,561
North Western Provinces	574	10,443
Bengal	220	5,712
Madras	139	3,315
Bombay	65	2,436
Central Provinces	92	2,361

Suffice it to say, during a span of twenty six years of our study the educational system of Punjab was revolutionized. The intentions of the despatch of 1854 and 1859 were successfully carried into effect but for the establishment of the University whose seeds however had been sown by the inauguration of Punjab University College. Five years of its working showed that the number of candidates appearing at its examinations had speedily increased. The college won the popularity it deserved, and was raised to the status of a full-fledged University in 1882¹²². Education not only received constant and increasing attention at the hands of Punjab administrators but every care was taken to see that there were no hard and fast lines between the various classes that attended the schools. Every section of the population enjoyed opportunity of receiving education. Of course care was taken that it is the poor alone who received gratuitous instruction upto elementary standard but those receiving higher education were called upon to pay a fair share of its cost¹²³.

121. Monteath, A.M. Note, on the State of Education in India during 1865-66. Selections from the Government of India Home Deptt. Records No. LIV, para 212.

122. The Secretary of State being satisfied that the examinations of the Punjab University College were of such a nature as to justify that body being entrusted with the power to grant degrees accorded his permission to the introduction of an Act for the incorporation of a University in 1880. By an Act of 1882 Punjab University was incorporated on the model of the London University.

123. PAR 1875-76 (Lahore, 1876), para 77.

CHAPTER VI

PUBLIC WORKS

✓ According to the policy and principles of administration which were laid down by the government in 1849¹, roads, canals, railways, post-offices and other public works were developed during the course of these 26 years. The officers entrusted with the task showed 'a passion for public works' and considered the building of a bridge or completion of a road as a 'sacramental administrative act'.² As a result of their vigorous efforts, by the year 1875, the whole of Punjab was covered with a net-work of public works. ✓

A noteworthy feature of this development is that particular care was taken to grant adequate compensation to all the village communities whose lands were required for the development of public works. This was done because the Government was very keen that no hardship was imposed on the people of this province.³ To keep them contented and happy was doubly desirable because it was a newly acquired province requiring utmost care if the task of settlement was to be expeditiously accomplished.

Immediately after annexation the Board of Administration for Punjab submitted several proposals to the Government of India among which the chief was the appointment of Colonel R. Napier as Civil Engineer of Punjab. This officer had been appointed Chief Engineer to the *Durbar* in 1847 and had served for the past two years under the Council of Regency.⁴ The Engineer's staff subordinate to Colonel R. Napier, was sanctioned on 19th December 1849 at the following strength :—

Executive Officers (covenanted)...	...12
Assistant Civil Engineers (covenanted)	
holding executive charges 7

1. See Chapter I for Principles and Policy of Government.

2. Spear, Percival. India—A Modern History (New York, 1961), p. 262.

3. Barkley, D.G., Non-Regulation Law of Punjab, (Lahore, 1871). pp. 213-14; 247-58.

✓ 4. Sarkar, K.M. The Grand Trunk Road in Punjab, (Lahore, 1926), p. 10.

Assistant Civil Engineers (covenanted) ...	5
Assistant Civil Engineer (uncovenanted)	15
Overseers	59
Surveyors	12

The planning and construction of all public works with which the Board was concerned was entrusted to the Civil Engineer. The control of all military works, however, rested with the Military Board acting directly under the Government of India. But in 1854 all engineering work—civil, military or public was placed under one department at the head of which was a Chief Engineer under the supervision, financial or otherwise, of the Chief Commissioner acting through his Judicial Commissioner.⁵

Colonel Napier was appointed as the first Chief Engineer. Under him were two Superintending Engineers each in charge of a circle—one east and the other west of the river Ravi. At the same time the Canal Department was placed under the control of a single officer called Director of Canals who worked under the Chief Engineer. The whole province was divided into 40 Executive Divisions. There were

Executive Officers	44
Assistant Executive Officers	33
Civil Engineers... ..	3
Assistant Civil Engineers	30
Conductors and Sub-Conductors (acting as Assistant Executive Officers)	5
Overseers	126

"This", as the Administration Report sums up, "constitutes perhaps the most extensive and certainly the most varied and arduous engineering charge in India."⁶

Public works covered in this chapter include the development of roads, canals, railways, post-offices, electric telegraph and the growth of marine department. The importance of these public works can best be described in the words of W.T. Thornton. He says: "In a country where these are altogether wanting it is impossible for a Government to discharge satisfactorily any of its duties, not even the primary one of protecting life and

5. Foreign Deptt. Misc. Series, S. No. 156, No. in the List, 356, para 326.

6. Foreign Deptt. Misc. Series, S. No. 157, No. in the List, 364, para 75.

property. They are the constituents of an arterial system, without which administrative energy cannot be properly directed or distributed and the absence of which therefore almost necessarily implies a state of things more or less approaching to anarchy."⁷

Roads

The Roads described as "the great veins of the body politic—adapted either for the marching of troops or for commerce, domestic and foreign"⁸ were classified as—

- (a) Military Roads
- (b) Roads for external commerce.
- (c) Roads for internal commerce.

(a) *Military Roads.* The chief of the military roads undertaken was the Grand Trunk Road—along which line the British army was massed. Dalhousie gave it his 'special attention'.⁹ A few years later reviewing the work done and the great expenditure involved the government laid down clearly the object with which this "Grand Military Road" was undertaken. "The project has the special approval of the most Noble the Governor General (Dalhousie). From a political and military point of view its consequence can hardly be overrated as binding together all our important Northern Cantonments and maintaining communication with Peshawar, our greatest frontier station. In this respect it is of the greatest strategic importance to the Punjab and to India. But to the Punjab it confers another great benefit by forming a great highway, passing through the upper districts and the chief cities and commanding the entrance to Hazara and giving access at several points of Kashmir....."¹⁰ It thus constitutes a great artery from which numerous branches separate off in various directions. Lastly, it is the great outlet and channel for the import and export trade between India, Central Asia and the West.¹¹

7. Thornton, W.T. *Indian Public Works*, (London, 1875), p. 23.

8. Sarkar, K.M., *The Grand Trunk Road in Punjab*, (Lahore, 1926), p. 11.

9. Minute by Dalhousie dt. 28 February, 1856, Govt. of India Selections from Home Department Records No. XIV.

10. Foreign Deptt. Misc. Series, S.No. 157, No. in the List, 363, para 409.

11. *Idem*.

For the sake of convenience, we will divide the Grand Trunk Road, 563 miles long, into 3 sections while considering the history of its construction—

(i) Peshawar to Lahore.

(ii) Lahore to Ambala.

(iii) Ambala to Karnal¹² and Delhi.

(i) *Peshawar to Lahore.* Many 'arduous engineering difficulties' had to be faced on this road. "The bridging of the Bedh and the Bagh Bacha Rivers in the Rechna Doab ; the passing of the Kharian defiles in the Chuj Doab ; the spanning of the Deenah, Bukrala, Bishundoor, Sohan and Hurroo torrents and the cutting through the crest of Bukralah Hange, the excavation of the Margalla Ridge, all in the Sindh Sugar Doab; and the skilful manner in which the Geedar Gulley pass is avoided and the rocky ridge over-hanging the Indus is skirted.....the crossing and threading of the endless succession of ravines in the Peshawar Valley ; all these obstacles denote a country of extreme difficulty and a work of no less magnitude."¹³

This portion of the road was considered by Lord Dalhousie to be most important, and soon after the annexation of Punjab while sanctioning 5 lakhs of rupees to be annually spent on road making he wrote to say that the "immediate commencement of a convenient and practicable road from Lahore to Peshawar.....is of infinite moment and should take precedence over any other road."¹⁴ The Honourable Court of Directors later endorsed this view. They referred to it as a "highly desirable object,"¹⁵ and considered it to be not only "important," but "absolutely necessary". Both Dalhousie and the Honourable Court while not forgetting the commercial importance of the road laid great stress on its "military purposes". For this reason it was to be "passable at all seasons, and that there should be no danger of a stoppage at any point".¹⁶

12. This sub-division includes the road upto Delhi but since the road from Karnal to Delhi existed prior to the transfer of Delhi to Punjab administration, the study is confined only upto Karnal.

13. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 390.

14. Letter No. 231, Press List Supplementary Volume quoted in the Grand Trunk Road in Punjab, (Lahore, 1926), p. 15.

15. Idem.

16. Idem, p. 16.

The road was surveyed by Lieutenant Taylor with the personal assistance in some parts of Lieutenant Colonel Napier.¹⁷ For executive purposes it was divided into seven Divisions.¹⁸ During the course of its construction it was found that on six cardinal points excavation and embankment was quite arduous.¹⁹ Besides rock, sand, flood, earthly strata, ravine and cliff presented difficulties but these were successfully overcome. Nor were natural difficulties the only ones encountered. The scarcity of labour was another serious problem. Labourers had to be imported and claimed higher wages. Among other difficulties material was often found to be very dear, "bricks selling from Jhelum to Attock at Rs. 10-12 per 1,000," though it must not be overlooked that in some places good serviceable stone could be procured for the work.²⁰

By May 1856 the total mileage opened for traffic was 192 miles out of the entire length of 264 miles²¹ but this road was yet to be metalled. The cost of the road so far had come to Rs. 64½ lakhs of rupees..... the average cost per mile being Rs. 23,450.²² The engineers still required 56½ lakhs of rupees to

17. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 390.

18. The first division comprised the road through the Rechna Doab, between the rivers Ravi and Chenab. Its lower terminus was Lahore, and its upper Wazirabad. The second included the road through the Chuj Doab, between the rivers Chanab and Jhelum. The third extended from the river and city of Jhelum, to a little beyond the Barkala Pass. The fourth and fifth divisions, both known under the single name of Rawalpindi division, carried on the road past the Indus. The sixth division, continued the road to the Indus crossed that great river, and conducted it towards Peshawar. The seventh division completed the road to Peshawar itself.

19. (1) Kharian Pass (2nd Division)—on the left bank of the Jhelum.

(2) Sohana and Hutee Ranges on both banks of the Bakralla (3rd Division).

(3) Margala Pass (4th and 5th Division)—between the Margala Range and Kala Chitta Hills, near Kala Serai.

(4) Undulating grounds near Hurroo (6th Division).

(5) Geedur Gulee Cliffs near the Indus (6th Division).

(6) The great embankments in the alluvial plains of the Chenab and the Jhelum.

20. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 404.

21. Foreign Misc. Series, S. No. 157, No. in the List, 364, par 81.

22. Sarkar, K.M., *The Grand Trunk Road in Punjab*, (Lahore, 1926), pp. 23-24.

complete the road. The mutiny interrupted its construction as it involved huge expenditure and only a sum of Rs. 11 lakhs was sanctioned to open the road and make it available for traffic.²³ The work was, however, carried on vigorously and by 1864 the entire road was metalled.²⁴

(2) *Lahore to Ambala*. There were two routes between Lahore and Ambala, the one via Ferozepur and Ludhiana, avoiding the Beas altogether and important chiefly from the military point of view ; the other passed through the important commercial town of Amritsar, crossed the Beas, touched Jullundur and threaded its way over the Sutlej at Phillaur meeting the other routes at Ludhiana. Of the first, the sections between Ferozepur and Ludhiana and Ambala had been efficiently completed by 1857. Of the second, the portion between Lahore and the Beas had been completed long ago, the 4th coat of metal being laid in 1859.²⁵ The Beas to Sutlej section was, however, in a very bad condition, and it was not until 1858 that the Supreme Government sanctioned the reconstruction of the old road, which was to pass close to the towns of Jullundur and Phagwara, as best adapted to the military and commercial needs of the country.²⁶ This road was opened to traffic in 1861.

(3) *Ambala to Karnal*. This portion of the road also involved many difficulties. The plain between the Sutlej and Jumna was bounded on the north by the Himalayan Range. Consequently the innumerable streams, small or large, which ran through the tract, lay almost parallel to the important rivers instead of converging towards them. The prevalence of sand at the same time often obliterated the lines of the road, and it was no uncommon thing for the ditches to get choked up by every passing sandstorm. Under these circumstances, it was no mean achievement on the part of the engineers to have opened up the road in 1856. This road played a very important part during the mutiny. But no one could appreciate its utility more than Punjab Government itself. "It was along this road," says the Report for 1856-57 and 1857-58, "that the troops,

23. Foreign Misc. Series. S. No. 157, No. in the List, 365, para 57.

24. Sarkar, K.M., *The Grand Trunk Road in Punjab*, (Lahore, 1926), p. 26.

25. *Idem*.

26. PAR 1860-61, (Lahore, MDCCCLXI), para 115.

stores and siege-trains proceeded to the siege of Delhi. It may be truly affirmed that, at that rainy season of the year, if there had not been this good road ; if the line had been in the same condition as it was five years ago ; the vast amount of material and munitions of war could not have reached the scene of action ; and that without this road it might hardly have been possible to take Delhi at least during the autumn of 1857."²⁷ But for the road Delhi could not have secured the timely help it got from the Punjab. The experience convinced the British administrators that the improvement of the means of communication was a matter of "paramount necessity."²⁸

Besides the Grand Trunk Road the other military roads that were completed during our period of study were :

(i) Lahore to Multan,²⁹ (ii) Lahore to Ferozepur, (iii) Ferozepur to Amritsar³⁰ (iv) Attock to Kalabagh via Rawalpindi and (v) Rawalpindi to Khushalgarh, Kohat, Bahadur Khel and Bannu.³¹

(b) Roads for external commerce

It is curious to note that at the time of the British occupation of Punjab the caravans which travelled from Delhi to Ghazni—the two most important cities of the Muhammadan Empire—followed a most difficult and circuitous route. Emerging from the passes of the Suleiman Range at Dera Ismail Khan, they toiled through the wilds of the Sindh Sagar Doab to Multan and then turned northwards to Lahore ; and then proceeded to Ferozepur and Ludhiana. Sometimes they travelled downwards from Multan to Bahawalpur and paid numerous transit duties. The two ancient trade routes in these regions were—(1) From Dera Ismail Khan via Mankhera, Shorkot, Harappa, Fazilka, Patiala to Delhi ; (2) From Dera Ghazi Khan via Multan the route proceeded to meet the former one at Pakpattan. Pakpattan was the famous "Ferry of the Pure" over the Sutlej, where Mahmud and Timur are said to have crossed the river. Almost the very first work undertaken by the British in the Punjab was

27. Foreign Misc. Series, S. No. 157, No. in the List, 365, para 55.

28. *Idem*.

29. Foreign Misc. Series, S. No. 156, No. in the List, 365, para 339.

30. *Idem*, para 411.

31. *Idem*, para 410.

the construction of decent roadways joining Dera Ismail Khan and Lahore via Multan and Jhang. These roads often passed through arid and desolate tracts and wells and halting grounds were provided at suitable intervals without which they would have been useless.³²

(c) Roads for internal commerce

As regards the roads for internal commerce, the military roads provided outlets for the import and export trade of Punjab towards the west. Among other roads which were undertaken for this purpose were routes connecting Multan with the important cities such as Lahore, Jhelum, Sialkot, etc. Multan was an important city to be considered because its commercial importance was daily increasing on account of the regular steam navigation which plied up and down the Indus. It is interesting to note that these roads were completed by October, 1851.³³

In addition many other roads were constructed in nearly all the Doabs as also in the valleys of Peshawar, Kohat, Hazara in the Derajat and in the country south west of Multan.³⁴ The total length of roads constructed rose from 1,349 miles in 1851 to 8,749 miles in 1856.³⁵ Punjab was thus extensively covered with a network of roads. But after the mutiny restrictions on expenditure interfered with the works of internal improvement³⁶ and work on many district roads was impeded owing to the insufficiency of funds.³⁷ In 1861-62 the construction of the road between Simla and the Tibetan frontier, known as Hindustan Tibet road was commenced³⁸ and thrown open to traffic in 1865.³⁹ Much yet remained to be accomplished to put Punjab roads in a proper state because many of these had yet to be

32. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 340.

33. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 342.

34. *Idem*, para 343.

35. Years	Mileage
1849-51	1,349
1851-53	3,600
1854-55	5,229
1855-56	8,749

36. PAR 1858-59 (Lahore, 1859), para 76.

37. PAR 1870-71 (Lahore, 1871), para 226.

38. PAR 1861-62 (Lahore, MDCCCLXII), para 123.

39. PAR 1865-66 (Lahore, 1866), para 217.

bridged and metalled. The metalled roads of Punjab constructed during the period of our study were : the road from Delhi to Agra in North Western Provinces ; the line connecting Delhi and Ballabgarh ; the road connecting Ambala and Kalka ; the road from Jullundur to Dharamsala ; the Amritsar and Pathankot road, and a short line connecting Multan with the Sher Shah Ferry on the Chenab.⁴⁰ During famines the construction of many roads was undertaken to provide employment to the starving people.⁴¹ The total mileage of roads throughout Punjab rose from 19,895 in 1869-70 to 25,053 in 1875-76.⁴² Accommodation for travellers, such as serais, rest houses, dak-bungalows, encamping grounds, supply depots, wells, tanks, etc., was also provided along many of the roads.⁴³

According to Gibbon and Baird, prior to annexation "Punjab was practically roadless"⁴⁴ and there was "hardly a bridle-path."⁴⁵ But during the course of British administration town was joined to town and village to village by the highways that ran out north, south, east and west, across rivers and canals, through jungle and desert.⁴⁶ Of these roads the extension of the Grand Trunk Road from Delhi to Peshawar and the construction of a highway from Lahore to Multan constitute a landmark in the history of highway engineering and are counted among the "greatest works in Asia."⁴⁷

Canals

Prior to annexation, the government frequently granted

40. PAR 1874-75 (Lahore, 1875), para 189.

41. PAR 1861-62 (Lahore, MDCCCLXII), para 119.

42. Years	Mileage
1869-70	19,895
1870-71	19,895
1871-72	19,895
1872-73	20,798
1873-74	20,798
1875-76	25,053

43. PAR 1874-75 (Lahore, 1875), para 192.

44. Gibbon, F.P., *The Lawrences of Punjab*, (London, 1908), p. 167.

45. Baird, J.G.A. *Private Letters of Marquis Dalhousie* (London, 1911), p. 153.

46. Gibbon, F.P. *The Lawrences of Punjab*, (London, 1908), p. 167.

47. *Idem*, p. 166.

loans to land-holders for works of agricultural improvement on the security of the land. This practice was continued by the Board and numerous sums of money were advanced to land-holders whenever a drought threatened an area. Many villages were thereby saved from the calamity of the droughts. The land-holders who regarded the repayment of these loans as debts of honour made strenuous and successful efforts to discharge their liabilities. It is remarkable that these loans though advanced in the most poverty-stricken localities were entirely recovered.

Punjab is richly endowed by nature with many perennial rivers; it is bound on two sides by hills which pour down water in its countless rivulets and above all the general surface of the land slopes southwards with a considerable gradient. These advantages made this province eminently suitable for canals. There is hardly any dynasty which ruled over Punjab which did not do something for irrigation and almost every district possessed flowing canals or at least had ruins of ancient water-courses. The people who were fully conscious of the value of these works joined hands with the government in the construction of reservoirs and the proper and regular distribution of the supply of water. Under such circumstances when, the community itself displayed so much awareness of the value of irrigation, the Board considered non-interference in the existing practices as the best policy and even afforded additional aid whenever it was sought for this purpose.⁴⁹

The canals in Punjab may be divided into two categories viz.,

- (a) the Inundation Canals, and
- (b) Permanent Canals.

Inundation Canals

Punjab had a number of minor canals called 'Inundation Canals' as they derived their supply of water from the rivers while in flood. These canals chiefly existed in Dera Ghazi Khan, Multan, Ferozepur, Pak Puttun and Montgomery districts.⁵⁰

48. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 347.

49. Idem, para 348.

50. Barkley, D.G. *Non-Regulation Law of Punjab*, (Lahore, 1871), p. 348.

Upon annexation their management was entrusted to a Superintendent—one in each district. He worked under the Director of Canals who in turn acted in subordination to the Chief Engineer. Each Superintendent of Canals was empowered to decide all disputes connected with the supply of water for purposes of irrigation. He also looked after his office establishment and was in complete charge of it. Whenever changes were made in the course of any canal which in any way effected the payment of revenue fixed at the settlement he had to consult the civil authorities through the Director of Canals⁵¹. The clearance of all these canals was done by labourers and the total cost of their wages was equally shared by the government and the *Zamindars*⁵².

Below is a brief description of these canals :—

(a) *Derajat Canals* : Immediately after annexation the Board turned its attention towards the Derajat canals. In 1853 Lt. Medley of the Bengal Engineers completed the survey of these canals⁵³ and by 1856 several small canals were dredged and improved.⁵⁴ These canals proved useful to the zamindars because new areas were reclaimed and brought under cultivation due to the availability of water⁵⁵. There was an annual silt clearance of these canals⁵⁶. They were thirteen in number and aggregated 592 miles in length.⁵⁷

(b) *Lower Sutlej Canals* : The Multan canals were commenced by the Pathan Kings. They fell out of repair during the anarchy which ensued immediately after the invasion of Multan by Ranjit Singh, but were later improved and enlarged by the great Diwan Sawun Mal, the Governor of Multan.⁵⁸ In 1850 Lt. Anderson of the Bengal Engineers was appointed Superintendent of these canals. His duties were to enlarge, improve, alter or strengthen the works constructed previously and to supervise the working of the statute labour system by which all repair was

51. *Idem*, pp. 348-62.

52. PAR 1860-61 (Lahore, MDCCCLXI), para 111.

53. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 426.

54. Foreign Misc. Series, S. No. 157, No. in the List, 365, para 107.

55. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 93.

56. PAR 1861-62 (Lahore, 1862), para 112.

57. PAR 1871-72 (Lahore, 1872), para 429.

58. Foreign Misc. Series, S.No. 156, No. in the List, 356-59, para 350.

carried out. The statute labour was provided by villagers whose lands were brought under irrigation. The canal officers usually imposed fine on defaulters and this was realized by the revenue authorities. The collections thus made were to be spent on the improvement of the roads along the banks of the canals. By 1853 these canals were further enlarged and improved and their conservancy and management was placed on a more efficient footing than in the days of Sawun Mal. Their aggregate length was 600 miles.⁵⁹

The Dourrana Lungana Canal which was to be taken from the Chenab and to run on the east side of the Multan city was sanctioned in 1852 and was soon enlarged.⁶⁰ It was provided with masonry works to regulate its supply and extended to the old bed of the Beas. This canal protected Multan from inundations which heretofore visited it frequently.⁶¹

(c) *Upper Sutlej Canals* : There were three canals drawing their supply of water from the upper Sutlej:-

- (1) *The Khanwah* : This canal left the right bank of the Sutlej, about 20 miles below Ferozepur and passed through the wastes of the lower Bari Doab and rejoined a side channel of the river near Pak Pattun. It irrigated the Googaira district. The total length of this canal was 619 miles.⁶²
- (2) *The Sohag* : It left the Sutlej a little below the mouth of the Khanwah canal and irrigated the country between the Khanwah canal and the Sutlej at its mouth. This canal was used for irrigation for some years but one-sixth of it had yet to be completed. It was designed to bring 107 square miles of land under cultivation.⁶³
- (3) *The Katora* : The construction of this canal was begun in 1870 and was completed in 1875.⁶⁴ It left

59. Minute by Dalhousie dt. 28 February, 1856. Government of India Selections from Home Department Records, No. XIV.

60. Old Line : 15 Miles

New extension : 18 Miles

61. Foreign Misc. Series, S. No. 157, No. in the List, 363, para 431.

62. PAR 1868-69 (Lahore, 1869), para 246.

63. Idem.

64. PAR 1874-75 (Lahore, 1875), para 214.

Ferozepur and irrigated the lands between the Khanwah canal and the old bed of Beas. It brought 250 square miles of land under cultivation.

Permanent Canals

(a) *Bari Doab Canal* : The construction of canals in the Bari Doab deserves the greatest attention because this was the most important part of Punjab from the political and social point of view.⁶⁵ Soon after annexation the feasibility of enlarging the Shah Nuhur or Hasli Canal which intersected the upper portion of the Doab was considered. After a survey and examination of this canal Colonel Napier devised a scheme of cutting or laying of two great canals, one from the Ravi, and the other from the Chenab river. In 1850 the Government of India sanctioned the former scheme and accordingly Colonel Napier deputed an efficient staff of engineers headed by Lt. Dyas to conduct scientific investigations prior to taking up the project in detail. A comprehensive survey map of the whole Doab was made. Besides the nature of the ground, its surface, its drainage and its undulations were all precisely ascertained. Two distinct conclusions resulted from these investigations. First, that the Hasli canal must be superseded; second, that a new channel with three distributories should be constructed through the entire length of the Bari Doab.⁶⁶

The Hasli canal was constructed about the year 1633 A.D. by the command of Emperor Shah Jehan, not for purposes of general irrigation but for the supply of water to the fountains and water-works at the royal gardens and conservatories near Lahore. When the Sikhs became the rulers of Punjab a branch was carried on to Amritsar to supply water to the sacred tank there. The object of Hasli canal was to convey a moderate volume of water to a given spot and at the least possible expense. With this end in view its construction at that time was justified. This canal followed the natural line of drainage with a tortuous and uncertain course of 110 miles. In width it varied from fifteen to fifty feet, in depth from seven to two feet. Its volume was at first found to be 200 cubic feet per second, and by

65. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 351.

66. *Idem*, paras 352-54.

subsequent improvement was enhanced to 500 cubic feet.⁶⁷

Upon annexation it became quite evident that such a canal would not furnish sufficient water for extensive irrigation and reach the level of the high lands. Moreover, its channel was not worth the cost of enlargement and reconstruction because it passed principally through the low lands which least required irrigation. But while the ultimate abandonment of this canal was resolved on, provision was made for its maintenance and repair until a bigger channel was opened.⁶⁸ The Hasli canal was efficiently managed and paid in an astonishing manner⁶⁹ until 1859 when it was annexed to the Bari Doab canal.⁷⁰

The work on the Bari Doab canal commenced in 1850 but was retarded by a number of factors. This proved to be a work of much greater magnitude than anticipated. The labour proved dearer than calculated.⁷¹ Above all in 1857-58 the work had to be suspended during the months of crisis.⁷² But after the mutiny, in view of the importance of the canal, the Governor General relaxed the financial restrictions in its favour while all other public works continued to suffer.⁷³ The original rate of expenditure of Rs. 1,20,000 per mensem was permitted to be spent on the progress of works on this canal.⁷⁴ In 1859, of its total length of 247 miles, 224 miles of the canal were actually opened.⁷⁵ The entire length of the canal was however opened in March, 1862. Its headworks were located at Madhopur.⁷⁶ In the construction of this canal all those mistakes which had been committed when the work on the Jumna canal was undertaken, were carefully avoided.⁷⁷

67. *Idem*.

68. *Idem*, para 355.

69. 1849-50 :	Rs. 49,970.
1853-54 :	Rs. 63,120.
1855-56 :	Rs. 87,315.
1858-59 :	Rs. 94,240.

70. PAR 1860-61 (Lahore, MDCCCLXI), para 110.

71. Foreign Misc. Series, S.No. 157, No. in the List, 364, para 68.

72. Foreign Misc. Series, S.No. 157, No. in the List, 365, para 62.

73. PAR 1858-59 (Lahore, 1859), para 76.

74. Foreign Misc. Series, S. No. 157, No. in the List, 365, para 62.

75. Public Despatch to India, No. 51 dated 24 November, 1859. Selections from Despatches from Secy. of State, 1859, p. 233.

76. PAR 1862-63 (Lahore MDCCCLXIII), para 158.

77. Thorburn, S.S. *The Punjab in Peace & War*, (London, MCIV), p. 264.

The work that now remained to be done was the construction of distributing channels and the remodelling of Hasli, Kasur and Sobraon branches of the original Bari Doab canal project.⁷⁸ The former object was successfully achieved and by 1875 the length of the distributing channels aggregated 692 miles.⁷⁹ For the latter, in 1868 a Special Works Division was created to complete the work in hand.⁸⁰ By 1875 the excavation of the Kasur and Sobraon branches was completed.⁸¹ The work on this canal was subsequently confined to the ordinary maintenance of works and channels and silt clearances.⁸²

The construction of the Bari Doab canal was indeed one of the greatest irrigation projects undertaken by the British.⁸³ Economically it was advantageous because it brought a large area of land under cultivation and prevented the danger from vagaries of weather, periodical droughts and famines the most populous part of Punjab.⁸⁴ Politically, to quote S.S. Thorburn, the results were no less important because the Sikh soldiers who had been disarmed betook to agriculture and ere long proved "prosperous farmers and loyal servants of the Government".⁸⁵ Thus a tract, which had been through centuries of neglect become a haunt of wild beasts, once again became the abode of men engaged in agriculture. Commercial prosperity followed suit and this Doab soon became one of the most prosperous regions in Punjab.⁸⁶

(b) *Western Jumna Canal*: It was an important perennial irrigation work. It took off from the west bank of the river Jumna and irrigated Ambala, Karnal, Hissar, Rohtak and Delhi districts and parts of Patiala and Jind States.⁸⁷ This was an old Mohammanadan canal and was reopened by the British Government in 1820.⁸⁸ Notwithstanding the fact that this canal

78. PAR 1866-67 (Lahore, 1867), para 204.

79. PAR 1871-72 (Lahore, 1872), para 424.

80. PAR 1868-69 (Lahore, 1869), para 242.

81. PAR 1874-75 (Lahore, 1875), para 212.

82. PAR 1873-74 (Lahore, 1874), para 240.

83. Foreign Misc. Series, S.No. 156, No. in the List, 356-59, para 366.

84. *Idem*, para 367.

85. Thorburn, S.S. *The Punjab in Peace & War*, (London MCIV), p. 265.

86. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 367.

87. *Imperial Gazetteer of India, Provincial Series, Punjab* (Calcutta, 1908), p. 202.

88. PAR 1860-61 (Lahore MDCCCLXI), para 113.

was unscientifically constructed it yielded profits to the government. The canal bed was in many places above the levels of the province and interfered with its drainage. The tract through which this canal passed suffered because of water-logging. Over large areas a coating of salt ruined the productive powers of the land. Even the physical condition of the inhabitants depending on this soil was effected because they suffered from many ailments, particularly disorders of the liver and the spleen. It was hoped these evils would disappear on the completion of the works of remodelling projected by Captain Turn-bull.⁸⁹ Accordingly in 1870 a report was submitted by Punjab Government to the Government of India containing his scheme for alterations and additions to the existing canals comprising two new channels, one running to the westward into the Sirsa district, the other to the south into the dry tract north of Jhajjar; the remodelling of the present channels from the heads to Delhi and Rohtak, providing for navigable communication from Punjab Railway crossing opposite Ambala to Delhi, and the new Agra Canal, together with a complete system of distributaries.⁹⁰ The orders of the Government of India approving this report were received in 1871 and in the following January the sanction of the Secretary of State was also received for the prosecution of this project.⁹¹

The work on this canal now consisted mainly of maintenance, construction of new headworks and completion of new distributaries. The construction of headworks was pushed on rapidly and much progress in earth-work was made. The work for the construction of the two distributaries was earnestly taken in hand. Their survey was completed in 1875. The total length of the Western Jumna canals was 405 miles with an aggregate of 259 miles of distributary channels.⁹²

(c) *Sirhind Canal* : After the Western Jumna Canal, and the Bari Doab canal, the next great perennial canal constructed in Punjab was the Sirhind, offtaking from the river Sutlej. Its preliminary survey work was begun in 1870⁹³ and the canal was

89. PAR 1870-71 (Lahore, 1871), para 241.

90. *Idem*.

91. PAR 1871-72 (Lahore, 1872), para 437.

92. PAR 1874-75 (Lahore, 1875), para 213.

93. Despatch from the Secretary of State (Public Works), No. 76 dated 30 September, 1870.

under construction until 1875. It was designed to irrigate the high land between the Sutlej in the north-west and the Patiala and Ghaggar streams in the south-east, and extended as far as south as the borders of Rajputana, Bahawalpur and the Bikaner States.⁹⁴ The canal was being constructed by Government in association with the states of Patiala, Nabha and Jind.⁹⁵ It was opened in 1882, though irrigation did not commence until 1883.⁹⁶

As a result of the canal development during our period of study, the uncultivated area rapidly diminished in Punjab from 1849 to 1875.⁹⁷ Of all the canals that were constructed the British Government considered it to be their pride and interest to originate and carry on the work at Bari Doab Canal.⁹⁸ It comprised a length of more than a thousand miles and conferred a boon upon the most important and most populous district of Punjab.⁹⁹ Punjab could now boast of one new canal, "Second in India only to the Ganges Canal and equal, if not superior, to the finest irrigation canals of Europe."¹⁰⁰

Railways

It was for the first time in 1854 that the Government of India planned to extend the Great North Western Railway from Calcutta to Peshawar. This was considered to be the most important railway line from military and political considerations. It would connect not only many first class military stations of the north together but also connect these with Peshawar. It would strengthen the British authority in India and enable her to play a significant role in the Central Asia politics. From a commercial point of view also the extension of this railway was deemed to be very beneficial as it would stimulate trade between India and Central Asia.¹⁰¹

94. Imperial Gazetteer of India, Provincial Series (Calcutta, 1908), p. 215.

95. Summary of the Principal Measures in the Public Works Department during the administration of Sir John Lawrence, 1864-69, p. 24.

96. Imperial Gazetteer of India, Provincial Series (Calcutta, 1908), p. 205.

97. Baden Powell, B.H. Land Systems of British India, Vol. II. (Oxford, MDCCCXCII), p. 537.

98. Foreign Misc. Series, S.No. 156, No. in the List, 356-59, para 367.

99. Gibbon, F.P. the Lawrences of the Punjab, (London 1908), p. 167.

100. Minute by Dalhousie dt. 8 February, 1856, Government of India Selections from Home Deptt. Records No. XIV.

101. Andrew, W.P. Indus and its Provinces, (London 1857), pp. 99-100.

But so far as commercial and material interests of Punjab are concerned, there was a proposed line from North East to South West, which was of greater importance to Punjab than any other public work. A glance at the map of India shows that Northern India has two natural channels of communication, the river Ganges and the river Indus. From times immemorial the stream of trade and wealth always flowed down from the Ganges to its natural outlet of Calcutta. Such however was not the case with Indus but commerce could flow from this river to Karachi if this route was opened. To this port would then come the products from North-Western India, the Central Asian and European countries.¹⁰²

There were four different undertakings for the construction of railways in Punjab. They were the Sind Railway Company, Indus Flotilla Company, Punjab Railway Company, and Delhi Railway Company. These undertakings, though kept separate, as regards accounts were under one management in England and under one guarantee of interest.¹⁰³ In 1870 these four companies were amalgamated into one company called, "The Punjab, Sind and Delhi Railway Company"¹⁰⁴ because of administrative convenience and the construction of railways was taken over by the Government of India.^{105a}

For the opening of trade through the Indus, the original promoters of the undertaking, among whom Mr. W.P. Andrews was the most conspicuous, at first advocated a short line, 114 miles in length, from Karachi to the banks of the Indus, opposite the town of Hyderabad. From Hyderabad a fleet of steamers was to connect it with Multan, and from Multan a railway was to complete the junction between Lahore and Amritsar, the political and religious capitals of Punjab. The final link between Amritsar and Delhi was eventually to be formed by a railway between those cities.¹⁰⁵

The plans for the Sind line were formed in the early part of 1855 when the Sind Railway Company entered into a contract

102. Foreign Misc. Series, S.No. 157, No. in the List, 354, para 85.

103. Davidson, Edward, *The Railways of India*, (London 1868), p. 305.

104. Despatch from the Secretary of State of India No. 41 dt. 23 June, 1870, P.W.D. Railway Procdgs. No. 219 A dt. July, 1870.

105a. Davidson, Edward, *The Railways of India*, (London 1868), p. 305.

105. Davidson, Edward, *The Railway of India*, (London 1868), p. 305.

with the East India Company to construct a railway from Karachi to Kotri.¹⁰⁶ This agreement was shortly afterwards superseded by another because the Court of Directors came out with a plan for railway development in India. Two contracts were signed in 1859, one for the establishment of steam flotilla on the Indus between Hyderabad and Multan and the other for Punjab Railway, *viz.*, a line from Multan to Amritsar. The events of 1857-58 showed that the road from Multan to Amritsar had proved extremely beneficial to the British Government both from military and political points of view.¹⁰⁷ The construction of a railway along this road was therefore considered essential and accordingly the project was taken in hand.¹⁰⁸ Much progress was made on the section of the railway between Amritsar and Lahore and it was finally opened for public traffic on 10th April, 1862.¹⁰⁹ The commercial and political capitals of Punjab were now connected by a railway line.¹¹⁰ Three years later on 24th April 1865 the remaining section of the railway between Lahore and Multan was finally opened.¹¹¹ Earlier for the conveyance of merchandise to Multan, a line from Multan to Sher Shah Ghat, on the river Chenab, was opened.¹¹² The entire railway line, 253 miles in actual length, was now open to both goods and passenger traffic.¹¹³

In 1862 the Government of India decided that the railway line between Amritsar and Delhi should pass through the districts of Saharanpur and Meerut and join the East Indian Railway at Ghaziabad. The survey of this line was completed in 1863 and next year the tender contract of M/S Brassey and Company was accepted.¹¹⁴ Work commenced on it the same year and it was thrown open to traffic on 19th January, 1869.¹¹⁵

106. *Idem*, p. 305.

107. For details see the sub-head 'Military Roads' of this chapter.

108. Foreign Misc. Series, S.No. 157, No. in the List, 365, para 61.

109. Despatch from the Secretary of State (Public Works—Railway) No. 20, dated 10 April, 1862.

110. PAR 1861-62 (Lahore, MDCCCLXII), para 137.

111. Denvers, Juland, Report of the Secretary of State for India in Council on Railways in India, 1865-66 (London 1866), para 68.

112. PAR 1862-63 (Lahore, MDCCCLXIII), para 209.

113. PAR 1864-65 (Lahore 1865), para 259.

114. *Idem*, para 2,

115. PAR 1868-69 (Lahore 1869), para 288.

Proposals for the construction of railways from Multan to Kotri, Peshawar to Lahore and branch lines from Raiwind to Ferozepur, Amritsar to Pathankot, and Ambala to Kalka¹¹⁶ were put forward in 1866 and two committees were appointed by the Government of India to report on the establishment of these railways.¹¹⁷ Both the committees advocated the construction of railways from Multan to Kotri and Peshawar to Lahore¹¹⁸ but did not consider that the above mentioned branch lines should also be undertaken. The object of constructing the railway from Multan to Kotri was to replace the steam flotilla which formed the link between these two stations.¹¹⁹ The second railway from Peshawar to Lahore was considered essential for strategical purposes as this would enable troops to be moved rapidly to the North West Frontier in case of emergency.¹²⁰ The Government of India accepted the recommendations of these committees¹²¹ and accordingly in 1868-69 appointed Mr. Lee Smith as Chief Engineer to supervise the construction of these railways.¹²² The surveys were completed within a few years and the railway from Lahore to Peshawar was opened on 12th April, 1875.¹²³ The railway from Multan to Kotri was under construction until 1875. Earlier in 1869 the Government of India sanctioned the

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116. Summary of the Administration of the Public Works Department of the Government of India under H.E. The Earl of Mayo, Viceroy and Governor General of India, 1869-72 (Calcutta 1873).
 117. Resolution No. 1054-R, Government of India Public Works Deptt. Railway, dt. 3 December, 1867 on the extension of Railways in India P.W.D. Procdg. No. 141-A, dt. March, 1869.
 118. Lt. Col. H. Drummond, Under Secy. to the Government of Punjab in the P.W. Deptt. to Secy. to the Government of India, P.W. Deptt. Procdg. Nos. 143-44, dt. March 1869.
 119. Summary of the Administration of the P.W. Deptt. of the Government of India under H.E. The Earl of Mayo, Viceroy and Governor General of India, 1869-72, para 27.
 120. *Idem*, para 29.
 121. Lieut. Col. H. Drummond, R.E., Under Secy. to the Government of Punjab, in the P.W. Deptt., Railway Branch, to the Secy. to the Government of India, P.W. Deptt., P.W.D. Procdg. No. 142A, dt. March 1869.
 122. PAR 1868-69 (Lahore 1869), para 187.
 123. Administration Report on Indian State Railways, 1875-76 (Calcutta 1876), pp. 63-64.

construction of railway from Delhi to Agra.¹²⁴ It was opened to the public on 1st July, 1873.¹²⁵ Agra at this time was already connected with Calcutta by railway. It is interesting to point out that the total length of railway lines in the Punjab rose from 32 miles in 1862 to nearly 554 miles in 1875.¹²⁶

A review of the railway development leads us to conclude that they not only connected the three North Western capitals of India—Delhi, Agra and Lahore—but also linked them with Calcutta and Peshawar. This development was full of significance. Politically it strengthened the authority of the British Government of India and enabled her to play a significant role in Central Asia politics. Economically it was advantageous because it stimulated trade between India, Central Asian and European countries.¹²⁷

The railways excited much interest among the people. That railway travel became increasingly popular is amply borne out by the large number of passengers who made use of this conveyance.¹²⁸ Special trains were provided on holidays and important festivals.¹²⁹ Travelling was safe because the trains

124. Administration Report on Indian State Railways. 1869-70 (Calcutta 1870), p. 33.

125. PAR 1873-74 (Lahore, 1874), para 237.

126. *Length of Line open at the end of each year.*

1862 :	32	Miles
1863 :	45	„
1864 :	45	„
1865 :	253	„
1866 :	299½	„
1867 :	299½	„
1868 :	229½	„
1869 :	517½	„
1870 :	553½	„
1871 :	553½	„
1872 :	553½	„
1873 :	553½	„
1874 :	553½	„
1875 :	553½	„

127. Andrew, W.P. *Indus and its Provinces*, (London 1857), pp. 99-100.

128. *Total No. of Passengers carried by railways.*

1862-63 :	1,05,063
1864-65 :	3,92,985
1865-66 :	5,18,734

129. PAR 1862-63 (Lahore, MDCCCLXIII), para 193.

did not go at a speed of more than 20 miles per hour, inclusive of stoppages.^{129a} Trains were moreover quick and cheap as compared with carts and *ekkas*. An *ekka* charged 8 annas per head for a distance of 32 miles whereas the railways cost 6 annas for the same distance.¹³⁰ Travelling by third class was very popular with the masses. Only the rich and wealthy people travelled by first and second class.¹³¹ Females were provided separate carriages from the men to enable them to perform the journey in the privacy to which they were accustomed.¹³² This was done because it was the policy of the Government "to respect the customs and practices of the people so far as they were consistent with the distribution of justice to all classes."¹³³

Post Offices

In 1849 the Board opened a few post-offices in Punjab but their benefits were neither understood nor appreciated by the people. This can be seen from the fact that the epistolary correspondence in Punjab was not large because the mercantile firms and the government employees were the only two sections of the population who made use of the postal facilities. But with the growth of education and commerce, the Board hoped that the postal system would be extended and the people would increasingly make use of the amenity in due course.¹³⁴

With this end in view the government took steps for the development of the postal facilities. The writers employed at the police stations were made the ex-officio local Post Masters and the rates of postage were assimilated to those current in North Western Provinces. At first the letters were delivered

129a. *idem*, para 104.

130. *Fares fixed for first 52 Miles.*

1st class :	Rs. 2-0-0	or 12 pie per mile
2nd „ :	Rs. 1-4-0	or 7½ pie per mile
3rd „ :	Rs. 0-6-0	or 2¼ pie per mile

131. *No. of Passenger carried by Railways.*

	1st class	2nd class	3rd class
1862-63 :	466	5,975	98,622
1864-65 :	4,430	5,331	3,79,224
1865-66 :	5,125	13,259	5,00,350

132. PAR 1861-62 (Lahore, MDCCCLXII), para 137.

133. See Chapter I for Principles and Policy of Government.

134. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 392.

by the ordinary police establishment but this service proved irregular and erratic both as regards speed and delivery. In 1851 therefore a separate set of postmen were appointed in nearly every district besides the ordinary police establishment. The salary of these carriers ranged from three rupees to three rupees eight annas a month. By the year 1853 the postal arrangements were considerably improved and punctuality in the delivery of letters was assured.¹³⁵ People could now receive in the morning the letters that were sent to them from distant stations the previous evening.¹³⁶

The important lines of postal communication were (1) the Grand Trunk Road running East to West from Karnal to Peshawar traversing the upper and richer portions of Punjab; (2) the Lahore to Multan line running North to South; and (3) the line from Lahore running South West and connecting the Central and Western Districts such as Shahpur, Jhang, Leia, Pind Dadun Khan and Dera Ismail Khan. On the Grand Trunk Road, the mail was carried in carts drawn by two horses running at a pace of not less than eight miles per hour. During the rainy months, and on the difficult parts of the road, the postmen carrying the mails in bags used horses instead of the carts. The Government Bullock Train, consisting of covered wagons drawn by bullocks, also used to run along this line as far as Lahore at a pace of three miles per hour for eight months in the year, stopping only during the rainy season. Though primarily meant for the transport of government stores it also carried a large amount of private goods and a considerable number of passengers. On the lines branching off from the Grand Trunk Road the mail was carried by postmen at a speed of four miles per hour. The heavier official letters were carried separately at a slower pace.¹³⁷ On the Multan and Lahore line the postal arrangements were generally the same as on the Grand Trunk Road. But from Multan there was postal communication both by land and by steamers with Sind and Karachi. Similar arrangements existed on the line running from Lahore to Shahpur, Jhang and Dera Ismail Khan.¹³⁸

135. *Idem*, para 393.

136. Foreign Misc. Series, S. No. 157, No. in the List, 368, para 474.

137. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 107.

138. *Idem*, paras 108-9.

It is interesting to note that in the beginning not much use was made by the Punjabis of the newly extended postal facilities but during the period 1856-1865 this situation completely changed. Postal services had now become quite popular and more and more people were availing of this amenity.¹³⁹ This is borne out by the fact that the number of letters carried increased from 3,43,641 in 1856-57 to 9,04,951 in 1865. There was however a diminution in the number of letters carried during the crisis of 1857. At that time, in one instance, posts were cut off during September in the Gogaira District between Lahore and Multan. An important set of despatches of the Government of India for the mail to Europe was also lost in transit. Immediately, however, a temporary line was organized along the left bank of the Sutlej from Ferozepur through Bhawalpur territory to Multan. But in about twenty days the usual communication was restored. In the Cis-Sutlej States, the post was kept open throughout, despite the troubles which plagued that area.¹⁴⁰

In 1866 the Government of India extended the Imperial Postal System to Punjab.¹⁴¹ Accordingly the postal department was placed under the control of a Post Master General with a suitable establishment.¹⁴² The chief difficulty in organizing

139.	Year	Letters carried
	1856-57	3,43,641
	1857-58	2,66,422
	1859-60	5,50,319
	1860-61	6,17,583
	1861-62	6,10,929
	1862-63	7,76,874
	1863-64	7,79,579
	1864-65	9,04,951
140.	Foreign Misc. Series, S. No. 157, No. in the List, 365, para 68.	
141.	PAR 1866-67 (Lahore, 1867), para 279.	
142.	Post Master General	...
	Inspecting Post Masters and Supdts.	...
	Sub-Inspectors	...
	Post Masters	...
	Deputy Post Masters	...
	Clerks	...
	Overseers	...
	Coachmen and Guards	...
	Runners, Postmen and Parcel Carriers	...
	Artificers	...
		1
		10
		11
		21
		204
		245
		62
		240
		1656
		105

the new postal system was that intelligent and trustworthy persons would not be found for appointment as Deputy Post Masters. To solve this problem the Postal Department succeeded in persuading the Government to agree to the employment of school teachers in that capacity on payment of an extra allowance. There was a lot of criticism on the decision taken by the government because there was a general feeling that the postal duties of the teachers would interfere with their duties as teachers but the government took no notice of it.¹⁴³ Within a few years the Imperial Postal System became quite popular. The number of post offices increased from 120 in 1867-68 to 528 in 1874-75¹⁴⁴ while the letters delivered increased from 10,215,976 to 14,141,972 during the same period.¹⁴⁵

Electric Telegraph

The construction of Electric Telegraph along the lines of the Grand Trunk Road commenced in the latter half of 1853 and was prosecuted vigorously. In January 1855 the whole line was opened. The Telegraph extended east and west along the Grand Trunk Road from Karnal to Peshawar and provided instantaneous communication between all the important stations in the north. It covered a distance of about 520 miles. Telegraph offices were opened at five important stations, viz., Ambala, Jullundur, Lahore, Rawalpindi and Peshawar. In all about 25 men, all European manned these stations. On the whole this establishment proved to be efficient and well organized and gave satisfaction both to government and the public.¹⁴⁶

The Telegraphic communication proved extremely beneficial to Punjab administration during the crisis of 1857 because for months this was the only means of communication open to government. Hundreds of messages were received and sent

143. PAR 1866-67 (Lahore 1867), para 279.

144. PAR 1874-75 (Lahore 1875), para 221.

145.	Year	No. of Letters delivered
	1867-68	10,215,976
	1868-69	10,872,719
	1870-71	10,254,384
	1871-72	10,618,363
	1873-74	13,420,416
	1874-75	14,141,972

146. Foreign Misc. Series, S. No. 157, No. in the List 364, paras 115-17

ing a single day. The British authorities at Lahore learnt of the Delhi disaster almost immediately because of a timely telegraphic message sent by an enterprising telegraphist.¹⁴⁷ The Hindustani sepoys were accordingly disarmed in no time. "Punjab was thus saved from much bloodshed and confusion, perhaps even the British dominion in Bengal from temporary extinction".¹⁴⁸ The British were lucky that in the Cis-Sutlej States and at Phillour on the Sutlej there were not many instances of telegraph wires being cut out during the crisis.¹⁴⁹

The second telegraphic line from Multan to Karachi was rapidly set up because the mutiny had increased its urgency. It was completed in 1861.¹⁵⁰ Upto 31st March 1869 there were 14 telegraph offices and the total length of the telegraphic lines was 761 miles.¹⁵¹ Between 1870-75 telegraph lines connecting Ludhiana and Ferozepur, Rawalpindi and Kohat,¹⁵² Sobathu and Simla, Lahore and Mian Mir, Multan and Andawahn¹⁵³ were opened. The number of telegraph offices rose from 14 in 1869 to 30 in 1875¹⁵⁴ while the total length of telegraph lines rose from 761 miles in 1869 to 2,374 miles in 1875.¹⁵⁵ These statistics clearly show that the electric telegraph had become quite popular during our period of study.

Marine Developments

Prior to 1854 the trade mainly depended upon boats and the steam vessels of the Indus Flotilla because there were not sufficient means of land transport.¹⁵⁶ The cost of a boat ranged from Rs. 500 to Rs. 600 and it ordinarily carried 400 to 600 maunds of merchandise. During the two months when the water was shallow, i.e., from 15th November to 15 January cargoes were kept lighter than usual, but even during these

147. Foreign Misc. Series, S.No. 157, No. in the List 365, para 7.

148. Therburn, S.S. Punjab in Peace and War, (London, MCMIV), p. 187.

149. Foreign Misc. Series, S.No. 157, No. in the List 365, para 70.

150. PAR 1861-62 (Lahore, MDCCC LXII), para 119.

151. PAR 1868-69 (Lahore, 1869), para 428.

152. PAR 1870-71 (Lahore, 1871), para 429.

153. PAR 1873-74 (Lahore, 1874), para 246.

154. PAR 1874-75 (Lahore, 1875), para 218.

155. Idem.

156. Foreign Misc. Series, S. No. 157, No. in the List 364, para 120.

months each boat carried 200 maunds of cargo. The freightage from Lahore to Karachi was one rupee per maund and about half that amount from Multan to Karachi. The distance from Lahore to Karachi under fairly favourable conditions was covered in about 35 days, otherwise it might even take six weeks. The upward trip from Karachi to Lahore took nearly fifteen weeks. This journey was not devoid of dangers. Sand banks were a common hindrance and the velocity of the current could occasionally become a serious problem.¹⁵⁷

At Mithunkote the record of all the boats which plied up and down the Indus showed that in 1856 this traffic was larger than before.¹⁵⁸ Even during 1856-57 despite the deficient harvests and the prevalent sickness which affected commercial and agricultural prosperity of Punjab the trade increased in a remarkable manner. It is interesting to note that during the first two quarters of that year the traffic on the Indus was greater than it was during the previous year. In the third quarter when the crisis had just finished the merchandise carried on this artery was the heaviest ever recorded. This was attributable to various causes, viz., abundant harvests, diversion of trade from the routes of Central India to the route of the Indus and above all to the tranquility which was so successfully maintained by the authorities in Punjab and Sind.¹⁵⁹ Thereafter also traffic through boats was popular.¹⁶⁰

We may now turn our attention to the Indus Flotilla steamers which belonged to the Bombay Government and plied regularly from Karachi upwards to Multan but seldom beyond that place. On special occasions, the steamers during the rainy season proceeded as far as Kalabagh on the Indus, or Jhelum city on the Jhelum, or Lahore on the Ravi, and Ferozepur on the Sutlej. These steamers were not suited for navigation because their draught was too great for Punjab rivers. They provided accommodation mainly to the troops and Government

157. *Idem*, para 121.

158. *Idem*, para 123.

159. Foreign Misc. Series, S. No. 157, No. in the List 365, para 73.

160.	<i>Year</i>	<i>No. of Boats</i>	<i>Tons</i>
	1857-58	3,548	42,125
	1858-59	3,965	99,487
	1859-60	3,806	53,043

stores. Their freight from Multan to Karachi was about ten to twelve annas per maund, that is 60 or 80 per cent in excess of the rates charged by the boats. The down trip was performed in about 12 days and the up trip in 25 days. The steamers were extremely useful to the government and to the European community and also provided some assistance to the traffic. But this flotilla was neither adequate nor capacious enough or cheap to materially effect the export trade of Punjab.¹⁶¹

In September 1856 therefore a report was submitted to the Supreme Government on the navigation and trade of Punjab with proposals for the furnishing of steamers with smaller draught and higher power to navigate the rivers upto the northern marts of Punjab. The events of 1857 strengthened the force of this demand because the Indus Flotilla steamers had proved extremely helpful to the government. They were instrumental in supplying reinforcements of troops, military stores and treasure to Punjab Government when British intercourse with the rest of India was cut off.¹⁶² This proposal was ultimately accepted on 1st January, 1859 and from June 1862 the new steamers of Punjab Flotilla began to run. They were five in number¹⁶³ and plied between Sakkar and Mukhud. Experience however soon showed that the vessels of Punjab Flotilla worked very indifferently due to lack of proper tools for effecting repairs and shortage of artificers.¹⁶⁴ In June 1871 the Government of India invited the opinion of Punjab Government on the political and administrative advantages of maintaining the Flotilla of Government steamers plying on the Upper Indus which heretofore worked at a cost far in excess of its earnings¹⁶⁵

161. Foreign Misc. Series, S. No. 157, No. in the List 364, para 122.

162. Foreign Misc. Series, S. No. 157, No. in the List 365, para 76.

163. They were the "Napier", the "Jhelum", the "Byas", the "Chenab", and the "Ravi".

164. PAR 1870-71 (Lahore, 1871), para 171 and 175.

165. Year	Receipts			Expenditure		
	Rs.	A.	P.	Rs.	A.	P.
1862-63	10,141	8	8	1,59,546	1	5
1864-65	51,334	8	2	1,99,961	8	3
1865-66	53,078	4	6	2,66,308	15	5
1866-67	35,291	15	11	2,00,390	7	3
1867-68	88,299	8	9	2,24,929	5	10
1868-69	85,484	9	0	2,44,347	9	9
1870-71	1,04,613	8	5	2,17,248	1	11
1871-72	1,15,938	14	8	2,06,822	8	3

In September, 1872, the Lieutenant Governor, after careful consideration of the subject reported that since the establishment of the Flotilla in 1862, its working resulted in a loss of about fourteen lakhs of rupees annually, while the addition of new boats did not lead to any large development of trade on the upper Indus, nor was there any reason to anticipate any great development of such trade in the near future. Financially and commercially, therefore, the experiment had failed, and after the suppression of the mutiny there were no considerations of political or military character which justified the maintenance on the Flotilla at a cost so largely in excess of its receipts. He therefore expressed his decided opinion that the time had come for its abolition. Accordingly, in December 1872 the Government of India issued instructions to this effect and Punjab Government Steam Flotilla ceased to exist.¹⁶⁶ The boats, however, continued to carry Punjab commerce to the sea.¹⁶⁷

Thus we see that by the year 1875 a number of public works were completed in Punjab. Not only were roads and railways developed but efforts were also made to extend them into the interior of the districts as far as funds permitted. Every effort was made to provide telegraph and postal facilities along the main lines of communication. A number of permanent canals were also established and numerous old ones were dug out. A large area of land was thereby brought under cultivation.¹⁶⁸ River navigation was also promoted. But this is one side of the picture only. It is equally necessary to emphasise that the development of roads and railways diminished the river trade. The rivers therefore gradually lost their importance and their place in the transport system was taken over by the railways.¹⁶⁹ The growth of railways, in turn, diminished the importance of the new trunk lines except in the hill regions

166. P.W.D. Procdgs. No. 8A, Band R. Dated October, 1872.

167. Arrora, F.C. *Commerce by River in Punjab or a Survey of the activities of the Marine Deptt. of the Govt. of Punjab*, (Lahore, 1931), p. 97.

168. In 1870 the area under cultivation was 31,513 sq. miles. In 1875 it was 35,377 sq. miles.

169. Arrora, F.C. *Commerce by River in the Punjab or a Survey of the activities of the Marine Dept. of the Govt. of Punjab*, (Lahore, 1930), p. 97.

of the Himalayas and outer portions of Punjab beyond the immediate reach of railways.¹⁷⁰ Punjab on the whole profited by these public works and its trade continued to show promising results.¹⁷¹ Such results could be achieved only because there was peace in Punjab which was not there prior to annexation. The face of the country was completely changed and there was increased security and prosperity in Punjab. Travelling which required serious consideration before the introduction of British rule because of insufficient means of communication had now become easier and safer.

170. McGeorge, G.W. *Ways and Works in India*, (London, 1894), p. 104.

171. Year	Total import and exports
1870-71	50,18,077 maunds
1871-72	52,79,789 "
1872-73	40,01,335 "
1873-74	66,41,549 "
1874-75	1,56,35,619 "

CHAPTER VII

REVENUE AND FINANCE

As in other parts of India, agriculture was the mainstay of the people of Punjab. The land revenue derived from it furnished three-fourth of the state resources and was paid by agriculturists comprising three-fourth of the population.¹ The land tax therefore formed the main source of income of the state and on the level of this tax and the system of its collection depended the prosperity and welfare of the people and the Government alike. We will therefore take up first the changes introduced by the British in the quantum of land revenue and the system of its assessment.

Under the Sikh rule the state generally claimed one half of the gross produce of land as its share in revenue. There are instances where as much as fifty four per cent was demanded. Whenever land revenue was collected in kind a deduction of ten to fifteen percent was made for fraud, expenses and waste. Normally however the public demand may be said to have varied between two-fifth and one-third of the gross produce.² The system of collection was not uniform. Some local Governors and *Jagirdars* preferred to assess their revenue in cash; and towards the close of Ranjit Singh's reign a portion of Punjab was assessed in this way. The division or appraisalment of the crop was also resorted to.³

Summary Settlements

According to the policy laid down by the Government in 1849 investigations into rent free tenures were made immediately. In the older provinces these investigations were so much delayed that the tenures acquired the force of prescription and made the resumption of land difficult. In Punjab this policy was avoided and steps were taken to bring every acre of land

1. Foreign Misc. Series No. 157, No. in the List 364, para 37.

2. Chopra, G.L. *The Punjab as a Sovereign State*, (Lahore, 1928), pp. 129-29.

3. Foreign Misc. Series, S. No. 156, No. in the List, 365-59, para 234.

under government assessment.⁴ Prior to annexation, during the winter of 1847, a general money assessment was commenced in all the districts that were immediately under the control of the *Darbar*. During that season it was completed in the Doabs, Hazara and some portion of Peshawar. There was no survey or measurement of land but the British Officers entrusted with the duty were helped in their work by the *Darbar* accounts of previous years and by the local knowledge of the *Kardars*. They also toured the districts which were to be assessed and thus gained a general idea of the area and the condition of people. Finally they assembled at central places, together with headmen and accountants of villages, and tested the accuracy of the *Darbar* accounts by their appraisals. The assessments were fixed for a period of three, five or ten years but the calculations fromed on this basis could however be modified if the general condition of a district warranted such a change.⁵ The settlements made in this manner conferred a boon on the people because the assessments made were light and the government didn't use coercive processes for the realisation of the revenue.⁶ Where, however, the assessments turned out excessive, because of natural calamities or accidents, relief was granted.⁷ The remainder of Punjab, not assessed in 1847-48 consisted of a large portion of Peshawar, the Upper Derajat and all Diwan Mul Raj's charge comprising the districts of Multan, Khangarh, Dera Ghazi Khan, and the greater part of Leia, with two small tracts in Pak Puttun and Jhung. The settlement of all these districts was completed before 1851.⁸ These settlements are known as "Summary Settlements".

Regular Settlements

Regular Settlement followed soon after the completion of Summary Settlement. As a result of the operations of the settle-

4. See Chapter I for Principles of Administration.

5. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 236.

6. Idem, para 237.

7. In 1847 in Gujranwala District large reductions were made in consequence of a failure of the crop and a murrain among the people. In the Rawalpindi District also the people complained of over-assessment which was greatly aggravated by unusual fall of prices. Here also relief was granted.

8. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 243,

ment and survey establishments, the boundaries of villages were defined and recorded, their area surveyed, classified and mapped. Village Survey Maps showed the interior areas, divided into cultivated, culturable, and barren waste, with the site of the village, of wells, roads, marshes and other marked features. The field survey gave a complete return of the dimensions of every field, the name of the proprietor and cultivator, the character of the soil, and the nature of the crops.⁹ The system of surveying was thus the same as that followed in North Western Provinces.¹⁰ Perhaps the most marked characteristic of the settlement operations in Punjab was that the measurement and survey of the village area was performed by the village accountants and by the representatives of the communities. For surveying, the villages were divided into circles, within which certain land-holders of wealth and influence were made responsible for the conduct of the operations. In the demarcation of boundaries likewise the help of the people was secured. The fact that this work was accomplished with the co-operation and approval of the assesseees rendered it more popular, economical and expeditious and also was of great educational value to the agriculturists.¹¹

Under the statistical operations, a census of the entire population, with an elaborate detail of castes and professions was taken and returns of agricultural produce and stock were prepared.¹² In the course of fiscal operations, the whole land of Punjab, whether paying revenue to Government, or held in quit rent tenure by *Jagirdars* and other privileged classes, was carefully valued and assessed. The land-tax was a fixed money payment, determined by sundry considerations such as former assessments, the condition and character of the people, the peculiarities of the soil, the facilities for irrigation, the vicinity of market and the past history of the district.¹³

The judicial duties connected with the settlement operations now remain to be described. The questions connected with land tenures were decided in the settlement courts. Two

9. *Idem*, para 287.

10. Foreign Misc. Series, S. No. 157, No. in the List, 363.

11. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 288.

12. *Idem*, para 289.

13. *Idem*, para 290.

appeals, however, could be made, the ordinary one to the Divisional Commissioner, and the special one to the Board for final confirmation of this decision. The procedure of the settlement courts was simple and gained the confidence of the people. No settlement officer felt satisfied with the evidence placed before him. He therefore cross examined the witnesses and the parties, consulted if necessary a jury of village elders, or visited the place himself for personal enquiry and inspection. He was an umpire as well as a judge. The magnitude of his work can be judged by one example. In the single district of Jullundur during the first settlement operations extending over a space of five years and with only one settlement officer, the number of judicial questions which came before him and his two Indian deputies exceeded 28,000 of which upwards of 8,000 were disputes connected with land tenures.¹⁴ The nearness of the court, the local knowledge possessed by the settlement officer and his ability to ascertain local reaction were some of the great advantages which these revenue courts possessed.¹⁵

The regular settlement of the Southern and the Western portions of Punjab was completed before the mutiny and settlements were then in progress in Eastern and Central parts.¹⁶ During the crisis the operations were somewhat curtailed but were continued after the suppression of the mutiny. The officers employed in various parts of Punjab surveyed estates and declared titles to lands.¹⁷ However the great bulk of the work was completed by the close of 1860.¹⁸ Thereafter revision of settlements of districts of which the term of settlement had expired was commenced in 1863¹⁹ and by 1875 settlements in many districts were completed.²⁰ As the settlements were made with the village, and not with the individual, the community's organisation was not disrupted.²¹

14. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 295.

15. Ruthnaswamy. M. Some influences that made the British Administrative System in India, (Madras, 1939), p. 369.

16. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 295.

17. Idem, para 341.

18. PAR 1859-60 (Lahore, 1860), para 44.

19. PAR 1866-67 (Lahore, 1867), para 102.

20. PAR 1874-75 (Lahore, 1875), para 41.

21. See sub-head "Collection of Revenue" for details.

Assessment Policy

In the beginning, immediately after annexation, a rough assessment was made only for two or three years. These assessments gave an abatement of about 25 or 30 per cent on the revenue demanded by the Sikh rulers.²² Every year, during the summary settlement, the government lowered the demand where it felt that the existing pressure was heavy. In the meantime a machinery for making a regular settlement was organised. It was directed to ascertain the resources of Punjab and fix a moderate and equitable assessment, based upon solid and accurate data, for a longer term of years.²³ These regular settlements, like the summary settlements, almost invariably resulted in the reduction of taxation.²⁴ In 1856 it was found that permanent reductions in assessments since annexation amounted to 25 per cent.²⁵ The main reason for making these reductions was to help the agriculturists to pay up their revenue because they could not get good price for their abundant produce without proper transport facilities. The primary consideration with Punjab administration thus seems to have been the winning over the people rather than squeezing maximum revenue out of them.²⁶

The events of 1857-58 showed that the policy of moderate assessment was most useful. It is here necessary to point out that in 1851-52 when prices of agricultural produce first fell fifty per cent, large bodies of landholders in some districts crowded round the revenue authorities and violently declared that the markets were overstocked with grain and that money could not be got in return for produce. At that moment a temporary derangement of land tax created a strong excitement in some

22. Foreign Misc. Series, S. No. 157, No. in the List 364, para 40.

23. *Idem*, para 41.

24. *Permanent reductions or decrease by settlements since annexation :*

In 1850-51 decreased by settlement	Rs. 1,63,116
In 1951-52 decreased by settlement	Rs. 1,82,817
In 1853-54 decreased by settlement	Rs. 4,80,636
In 1854-55 decreased by settlement	Rs. 7,41,660
In 1855-56 decreased by settlement	Rs. 5,62,426

Total : Rs. 23,40,675

25. Foreign Misc. Series, S. No. 157, No. in the List 364, para 41.

26. Foreign Misc. Series, S. No. 157, No. in the List 365, para 37.

localities. But government acted boldly and reduced the land tax at once. That policy of reduction was consistently followed and the reward was reaped when the day of trial came. No serious insurrections took place at that time. The Report for 1857-58 is therefore justified in remarking, "For then the agricultural classes were comfortable and quiet; none were pinched in circumstances; none were looking forward for change."²⁷

The policy continued till 1875. With the completion of the first regular settlements in 1860 there was a steady decrease year by year in the demand of land revenue upto 1865.²⁸ What the Government lost in this manner was counterbalanced by the increase in the miscellaneous sources of revenue.²⁹ These results were quite satisfactory because during this period the government had given rewards to many landlords for their services during the mutiny, had provided relief in districts effected by famine and reduced the government demand from two-third to one-half in districts in which a settlement was under progress.³⁰ From 1865 to 1875, however, there was a steady increase in the land revenue³¹ demand though it was not much. This increase was due to the assessment of waste-lands³² and the development of canals and other public works.³³

Water Advantage Revenue

Under the system of land revenue assessment in Punjab

27. Foreign Misc. Series, S. No. 157, No. in the List 365, para 37.

28.	Year	Land Tax Demand
	1861-62	Rs. 19086546
	1862-63	Rs. 18963997
	1863-64	Rs. 18828761
	1864-65	Rs. 18782009

29. See 'Miscellaneous Revenue' for details.

30. PAR 1864-65 (Lahore, 1865), para 105.

31.	1865-66	Rs. 18247006
	1867-68	Rs. 18437485
	1868-69	Rs. 18485483
	1869-70	Rs. 18643755
	1870-71	Rs. 18713900
	1871-72	Rs. 18764491
	1872-73	Rs. 18860280
	1874-75	Rs. 19018117

32. PAR 1865-66 (Lahore, 1866), para 77.

33. PAR 1868-69 (Lahore, 1869), para 84.

and North Western Provinces, lands which at the time of the settlement could be irrigated from a canal were assessed at an enhanced or "irrigated rates". The assessment was fixed at these rates for the full term of settlement whether the canal water was taken or not. On the other hand, if a new canal was constructed during the term of settlement, or the area of irrigation by any other means extended, the new area brought under irrigation was not assessed at irrigated rates, until the expiry of the settlement. This system was however not an unmixed blessing. A proprietor had to pay the revenue at irrigated rates for lands which, owing to sufficiency of rain or for other cause did not require irrigation. It was rather strange that lands irrigated by new canals constructed at a great expense from public funds were not charged irrigated rates for many years. To remove this anomaly Mr. E.A. Prinsep, the Settlement Commissioner, proposed to assess all lands, whether irrigated from canals or not, in the first instance at un-irrigated rates but to make it a condition of settlement that in the event of canal water being taken, an additional rate should be fixed, representing roughly the difference between an un-irrigated and an irrigated rate.³⁴ Mr. Prinsep's proposals were accepted by the government and the 'Water Advantage Revenue' was now realized in the manner proposed by him.³⁵ The rates of assessment even when varying from place to place³⁶ were generally not heavy when we bear in mind that a peasant proprietor cultivated on an average 8 acres, and at a mean rate of assessment Rs. 1-4-0 per acre paid Rs. 10 per annum to the state.³⁷

Analysis of Land Tenures

According to the settlement records the occupants of the soil were divided into four classes, viz.,

- (1) Proprietors out of possession;
- (2) Proprietors in possession;

34. PAR 1873-74 (Lahore, 1874), para 60.

35. Idem.

36. Cis Sutlej States :	Rs. 1- 2-4 per acre
Trans Sutlej States :	Rs. 1-15-7 per acre
Upper Bhari and Richna Doabs :	Rs. 1- 6-5 per acre
Upper Chuj Doab :	Rs. 1- 2-7 per acre

37. Foreign Mics. Series, S. No. 157, No. in the List 364, para 42.

- (3) Hereditary cultivators; and
- (4) Tenants at will.

This division generally conformed to the system which prevailed in the North Western Provinces.³⁸

(1) Proprietors out of possession

Under the Sikh rule the descendants of ancient proprietors were declining. The Sikh rulers looked to the security of the revenue alone and thus the industrious and frugal classes usurped the rights of those whose land they were originally content to cultivate.³⁹ In some instances the proprietor still retained a portion of the land usually that which he could himself husband. Tenures of this kind were investigated, recognised, defined and recorded by the British Government. These records of rights helped to save this class of proprietors from extinction.⁴⁰

(2) Proprietors in possession

The second class of tenures included the individuals or village communities who were in actual possession of the land. In the tenures belonging to the individuals a portion of the land was cultivated by them alone but the remainder was given to hereditary cultivators or tenants-at-will on payment of a rent.⁴¹ On the other hand, in the village communities each co-partner occupied and cultivated his own farm and paid the proportion of the village assessment in a manner which was agreeable to the brotherhood. The greater part of the land was thus cultivated by the community in such tenures.⁴² Sometimes, however, the tenants also cultivated the land if the proprietor so desired but in such cases they worked under the control of the proprietors.⁴³

(3) Hereditary Cultivators

The hereditary cultivators constituted the third class and a very important one in many districts. Their tenure was scarcely

38. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 275.

39. Idem, para 277.

40. Idem, para 278.

41. Selections from the Records of the Govt. of India, No. 2, para 279.

42. Idem, para 280.

43. Idem, para 281.

distinguishable from that of the proprietor. They often gradually usurped the rights of proprietor whenever they were strong and industrious. The distinction between them and the proprietors was often nominal because land was abundant and cultivators were scarce. Unlike the proprietors the hereditary cultivators were not permitted to sink a well, to sell, mortgage or transfer the land, but they could sublet it.⁴⁴

In the province of Multan a curious tenure had grown up because the Sikhs wanted to reclaim the waste land. In this tenure the rights of the proprietors and the hereditary cultivators who were unable to cultivate land were taken away and conferred on those people who could sink wells and pay a trifling rent to the proprietors. This was done to encourage irrigation and bring a larger area of land under cultivation. The rent of the land, equal to one-fourth of the produce, was divided between the owner of the well and the proprietor of the land, but more frequently, the latter received a mere trifle.⁴⁵

(4) *Tenants-at-will*

The fourth class were the tenants-at-will who cultivated the land from harvest to harvest or year to year. If they lived in the village, their tenure was virtually permanent; if they belonged to a neighbouring village the tenure was precarious. They usually cultivated on the condition of gathering half the crop; and as the proprietor was generally on the spot and was himself a husbandman, he was able, by his knowledge and presence, to secure his full share.⁴⁶ These were the common forms of land tenures in Punjab.

Tenant Right Controversy

According to the policy of the Government, for some years after annexation, the principles observed in the settlement of North Western Provinces were applied to Punjab,⁴⁷ and tenants who had occupied land continuously for 12 years without a lease, were usually declared to have a right of occupancy. Their

44. Foreign Misc. Series, S. No. 156, No. in the List 356-59, para 283.

45. Idem, para 284.

46. Idem, para 285.

47 See Chapter I for 'Principles of Administration'.

rents were generally fixed for the term of the settlement extending from 10 to 30 years.⁴⁸ But it was soon felt that the principles relating to landlord and tenant relationship were not suited to the people. Mr. Edmonstone, the first Settlement Officer therefore set on foot extensive enquiries to determine what changes should be introduced but left the file embodying these discussions as a legacy to his successor with the remark that the matter was not as yet ripe for action.⁴⁹

In 1851, Mr. Edward Thornton, Commissioner of the Jhelum Division, who had acquired considerable experience of settlement duties in North Western Provinces did a great deal towards putting matters on a more satisfactory basis in his own division. He not only objected to the system of determining rights of occupancy with reference mainly to length of occupation but also advocated a system of confronting the parties to settle claims regarding occupancy rights by arbitration.⁵⁰ This system was approved by the Chief Commissioner Sir John Lawrence, who observed that "it was the nature quite as much as the length of occupancy that entitled a cultivator to privileges" and that "Settlement Officers must endeavour to learn thoroughly the custom of their respective districts and the opinions of the agriculturists". But the system of Jhelum Division was not authoritatively prescribed for general adoption; and in most of the settlements occupancy rights were still determined mainly with reference to limitation test.⁵¹

In 1863, Mr. Edward Prinsep who was appointed Commissioner for the purpose of revising the settlements of Amritsar, Sialkot and Gurdaspur districts reported that grave errors had been committed in the matter of recording 'hereditary cultivators'. He expressed his strong conviction that there were few tenants who during the Sikh time, would come under the definition of tenants having rights of occupancy, as in those times it was admitted that the land-owner had the right of evicting any tenant. He accordingly solicited permission to revise the settlement

48. PAR 1868-69 (Lahore, 1869), para 91.

49. Minute by Hon'ble the Lt. Governor on "Tenant Right in the Punjab". Foreign Revenue 'A' Procdg. Nos. 47-8, dt. January 1870.

50. Idem.

51. PAR 1868-69 (Lahore, 1869), para 92.

records and restore the status of tenants to that it was before the annexation of Punjab but no definite instructions were issued by the Government.⁵²

From this period the subject of tenant right became the most important question of the day. The Government therefore collected an appalling mass of material consisting of official and non-official treatises, reports of committees, statistics, memorials, circulars, minutes by high functionaries including the Financial Commissioner, the Judges of the Chief Court, the Lieutenant Governor and the Governor General to examine this question. An analysis of this data shows that the principal arguments in favour of the proprietors and the tenants were the following :—

Those who advocated the proprietor's view urged that the rights of occupancy were unknown in the Sikh times. In those days every proprietor had the right of evicting any tenant of howsoever long standing. It is true proprietors rarely exercised that right but this was possible because the pressure of the Sikh taxation absorbed almost the entire rent of the land. The proprietors and tenants were thereby reduced almost to a dead level but still the landlord had the right to evict and enhance the rent. Their second argument was that the action of the British Government, in recognizing rights of occupancy at fixed rates for long periods, was unjust to the proprietors. They therefore pleaded that it was the duty of the government to correct its error, and restore to the proprietors the rights they had been deprived.⁵³ Their third and last argument was that, at any rate, proprietors should be allowed to get rid of their occupancy tenants on payment of compensation.⁵⁴

On the other hand, those who advocated the tenants view argued that whatever might have been theoretically the right of land-lords in Sikh times to evict the tenants of long standing, it was admitted that the right was hardly exercised. The tenants had therefore reasonable expectation to continue unmolested

52. Memorandum by A.A. Roberts, Financial Commissioner, Punjab, on "Tenant Right in the Punjab" dt. Lahore, 6 March, 1868. Home Deptt. Rev. Procdg. dt. Jan-June, 1868, pp. 558-63.

53. Note on Occupancy Rights in Punjab. Foreign Deptt. Revenue A Procdg. Nos. 6-15 dt. May, 1867.

54. Summary of the enquiry on tenant right in Punjab. Foreign Revenue Proceeding No. 63, dated January, 1870.

possession of their holdings. Their second argument was that since the British Government by reducing taxation and improving communications had largely increased the value of land, it was but equitable that it should afford some protection to the tenants, from arbitrary eviction and enhancement of rent. The improved value of the land, which offered opportunities to proprietors to evict and enhance rents, was the outcome not of capital investment made by the proprietors, but of the liberal policy adopted by the government. Lastly they argued that, it would be the height of injustice, to withhold those rights which they had enjoyed for nearly 20 years or so because those rights had been formally recognized by the British Government. This would ignore expectations justly held by the occupancy tenants and all the collateral rights which had grown up in consequence thereof for a number of years and place the tenants to the capricious and arbitrary whims of their landlords.⁵⁵

Meanwhile, however, Mr. Prinsep had carried out his system provisionally in the districts of Amritsar, Sialkot and Gurdaspur and the result was that out of 60,000 tenants formerly recorded as having rights of occupancy 40,000 were reduced to the status of tenants at will.⁵⁶ It was at this stage that Mr. Brandreth's Bill was introduced to enact that "every tenant whose name appears in the records of a regular settlement, sanctioned by the local Government, prior to the passing of this Act, as having a right of occupancy in land which he has continuously occupied from the date of entering the name in such settlement, shall unless and until the contrary be proved, be presumed to have a right of occupancy in the land so occupied."⁵⁷ This was done because the "procedure adopted by Mr. Prinsep, of a *Panchayat* for a whole village," was not considered sufficient. In each case either party should have been given the option of challenging the assessors. Mr. Prinsep underestimated the good that was done at the first settlement and took an exaggerated view of the consequences of the errors which were committed

55. PAR 1868-69 (Lahore, 1869), para 96.

56. Despatch from the Secretary of State, No. 80 dt. 28 Oct. 1869. Foreign Deptt. Rev. A Procdg. Nos. 70-1 dt. January, 1870.

57. J.A.E. Miller, Esq. Secy. to Financial Commissioner, Punjab to E.C. Bayby, Esq. Secy. to Govt. of India dt. Lahore 9 March, 1868. Home Deptt. Revenue Procdg. dt. Jan-June, 1868, pp. 558-63.

in a work of such magnitude and difficulty.^{57a}

It is impossible to describe all the details of the discussion which took place from the date of Dr. Brandreth's draft bill to the date of its final enactment in 1868. It will be interesting to note that the correspondence and debate on the subject occupy 315 closely printed folio pages of the archival records. The bill was considered, reconsidered, amended and recommended by four different committees, was three times minuted upon by the Lieutenant-Governor, once by the Financial Commissioner, once by the Judges of the Chief Court, once by Mr. Prinsep, and was three times discussed in the Legislative Council and finally passed on 21 October, 1868.⁵⁸ The changes in the status of tenants effected by Mr. Prinsep were held to be invalid and measures were taken to restore the entries of the first regular settlement.^{58a}

The following were the leading provisions of Punjab Tenancy Act, 1868⁵⁹ regarding the status of the landlord and the tenant.

Provisions Relating to Tenants

(1) Tenants were declared to have absolute rights of occupancy⁶⁰ (2) Tenants who were formally recorded to have occupancy rights were presumed to have them unless the contrary was proved by the landlord.⁶¹ (3) Tenants with occupancy rights were entitled to hold the land on the payment of rent which was below the rate of rent paid by tenants of the same class.⁶² (4) Occupancy tenants were allowed to sublet or alienate their interest in their land reserving a right of pre-emption to the proprietor.⁶³ (5) Tenants of every kind were permitted to effect improvements in the land and were entitled to get compensation for such improvements in cash, or in a beneficial lease, at the option of the landlord.⁶⁴

57a. *Idem*.

58. Parliamentary Paper No. 159 (1870, PAR 1868-69 (Lahore 1869) para 98.

58a. Douie, J.M. Punjab Settlement Manual, (Lahore, 1899), p. 94.

59. See Appendix II for the full Text of the Punjab Tenancy Act, 1868.

60. Punjab Tenancy Act, 1868, Chapter II, Clause 5.

61. *Idem*, clause 6.

62. *Idem*, Chapter III, clause 10.

63. *Idem*, Chapter V, Clause 34.

64. *Idem*, Chapter VI, Clause 57.

Provision Relating to Landlords

(1) The Act allowed the landlord to buy out tenants having presumptive rights of occupancy of less than 30 years standing.⁶⁵ (2) It permitted the landlord to enhance the rents of occupancy to the prescribed amount below the market rates at intervals of five years, in lieu of previously existing law under which rates were fixed for currency of settlement.⁶⁶ (3) It repealed the previously existing law under which a tenant could claim the privilege of paying in cash instead of in grain, and disallowed commutation of grain into cash payments without consent of both parties.⁶⁷

The passing of Punjab Tenancy Act was a triumph for the policy of Sir John Lawrence because, he always championed the cause of peasantry as opposed to his brother Henry whose sympathies were with the aristocracy.⁶⁸ By comprehensively defining the rights of both tenants and landlords this Act created an atmosphere which was conducive to the establishment of understanding and harmony between the two classes.⁶⁹ None seemed to lose anything and appreciated their mutual dependance. The economy of Punjab overwhelmingly dependant on agriculture flourished because of this well thought out measure. The Act ushered in a new chapter in the history of Punjab and became "the bulwark and charter of a contented peasantry."⁷⁰

Collection of Revenue

Having examined how the problem of tenancy had been solved by the British Government let us turn our attention to the allied and equally important issue of the collection of revenue. The cultivators were essentially peasant proprietors.⁷¹ They did not engage individually with the government but by villages. The brotherhood of the village through its headmen or representatives paid the tax to the government. The government

65. Idem, Chapter II, Clause 6.

66. Idem, Chapter III, Clause 13.

67. Idem, Chapter III, Clause 16.

68. Pal, Dharm. *The Viceroyalty of Sir John Lawrence* (Simla, 1952), p. 60.

69. Despatch from the Secretary of State, No. 32, dated 8 April, 1875.

70. Quoted in Aitchison's "Lord Lawrence" (Oxford, 1892), pp. 147-48.

71. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 37.

demand was fixed upon the village community as a whole at the time of the settlement. It was then divided among the villagers in proportion to their share of land. Primarily every person who cultivated the land paid for himself but ultimately he was responsible for his co-parceners and they were bound together by joint liability.⁷² Therefore Punjab system was neither *Ryotwari* nor *Zamindari* but the village system, or *Mahalwari* as we call it. This system was thus identical to the one found in North Western Provinces.⁷³

From 1849 to 1852, in spite of occasional drought and over-assessment, land revenue was collected without any difficulty. It bespeaks of the good faith and industry of the tax payers. In 1852-53 some balances remained unrealised but to make them up the government reduced the demand for the next few years.⁷⁴ The collections thus became steady and did not register any fall.⁷⁵ It is noteworthy that in 1856 nearly the whole demand was realised.⁷⁶ This was done without putting the cultivators to any undue harassment such as the sale or transfer of their land. The cultivators paid the revenue in four instalments, two for the spring and two for the autumn harvest, on the days fixed by the revenue authorities.⁷⁷ The headman brought the money from the respective villages. If there was any delay a notice to pay was sent to the defaulters which usually had the desired effect. The establishment for the collection of land revenue consisted of *tahsildars*, subordinate officials and peons. Its aggregate cost was not much because it only amounted to three per cent upon the total collections.⁷⁸

72. Dutt, Romesh. *The Economic History of India in the Victorian Age*, (London, 1906), pp. 96-7.

73. *Idem*, p. 97.

74. *Foreign Misc. Series*, S. No. 157, No. in the List, 363, para 266.

75. *Foreign Misc. Series*, S. No. 157, No. in the List, 364, para 347.

76.

Year	Demand	Collected	Uncollected Balance	Percentage of real balance on demand
1853-54 : 1,52,05,700		1,39,19,102	1,28,6598	3.59
1854-55 : 1,47,00,881		1,40,93,731	6,03,153	1.41
1855-56 : 1,46,24,259		1,41,58,107	4,66,152	0.9

77. *Foreign Misc. Series*. S. No. 15, No. in the List, 364, para 49.

78. *Idem*, para 50.

During the mutiny the land holders paid their revenue without hesitation and in time.^{79a} In some places, owing to critical circumstances of the time the revenue was collected even before the date on which the instalments fell due. Even common notices to pay were not served on the cultivators in greater numbers than usual.⁷⁹ This showed that the agricultural classes were satisfied and liked the revenue system introduced by the British government. The land tax was light and the government was considerate while collecting it.⁸⁰

In the early stages of British rule money position was tight but before long it improved. The Indian portion of the army employed in Punjab was largely Hindustani. A considerable share of Punjab revenues was paid to them as their wages, of which they spent a part in Punjab and remitted the remainder to their homes. Many lakhs of rupees were thus annually drained from Punjab. After the mutiny the soldiers from Oudh were replaced by Punjabis; many thousand soldiers were also serving abroad. "These men", says the Report for 1856-57 and 1857-58, "not only remit their savings, but also have sent quantities of prize property and plunder, the spoils of Hindustan, to their native villages."⁸¹ Money was thus more plentiful in Punjab after the mutiny. The land revenue was thus realized with facility and coercive processes were rarely resorted to.⁸² 90% of the demand was realized in this way.⁸³

There was, however, a considerable falling off in the collection of land revenue during the famine of 1860-61, when the rains completely failed between the Jumna and the Sutlej, and except where irrigation was available, no autumn and spring crops were sown. Women and children were seen in crowds picking wild berries for food. Old and unwholesome grain was sold in the bazars. Numerous deaths from starvation were reported. Herds of cattle perished and general emigration from the famine

79a. R.H. Davies. Secy. to Government, Punjab and its Dependencies to D.F. Macleod, Financial Commissioner, Punjab dt. Lahore, 26 March 1859. Foreign proceeding No. 46 dated 7 October, 1859.

79. Foreign Misc. Series, S. No. 157, No. in the List, 365, para 38.

80. Idem, para 39.

81. Foreign Misc. Series, S. No. 157, No. in the List, 365, para, 38-40.

82. PAR 1860-61 (Lahore, MDCCCLXI), para 57.

83. PAR 1864-65 (Lahore, 1865), para 107.

stricken tracts took place. The district officers immediately provided employment to these unskilled labourers and efficiently arrested a grave situation.⁸⁴ In 1868-69 a similar situation was washed off by the timely action taken by the government.⁸⁵

In spite of these sporadic failures of crops we see that the collection of land revenue was not adversely effected except temporarily. It was mainly because the system of land revenue in Punjab was basically sound and the authorities responsible for its collection were sympathetic, broad minded, conscientious and efficient. Some credit also goes to the sense of responsibility displayed by the peasantry which even when tormented by serious handicaps, none of which were of their own making, considered it a moral obligation to honourably discharge their liabilities to the government.

Sale of land to money lending classes

In other parts of India landlords were often compelled to sell their holdings to pay the land revenue to the government which contributed considerably to the unpopularity of the British Government. In Punjab these harsh measures to realize the land revenue were avoided and upto 1860 the sale of land for non-payment of revenue was prohibited. However, with the introduction of the Indian Penal Code and the Code of Criminal Procedure this prohibition was lifted⁸⁶ but even then upto 1870 the amount of land that was sold or mortgaged to the money-lenders by the *Zamindars* did not justify any anxiety in Punjab.⁸⁷ In 1871-72 the Lieutenant Governor expressed the opinion that "in case the amount of land transferred to village bankers is increasing each year in a larger ratio, and the tendency of the present system is to allow the land to pass free from the peasant proprietors to the money lending classes, the Government would remedy the evil which would otherwise be a certain source of future trouble."⁸⁸ But the figures relating to transfers of land from 1872 to 1875 showed that voluntary sales of land amount-

84. PAR 1860-61 (Lahore, MDCCCLXI), para 53.

85. PAR 1868-69 (Lahore, 1869), para 85.

86. See Chapter on Administration of Justice for details.

87. Report on the Revenue Administration of the Punjab and its Dependencies, 1871-72 Lahore, 1872), para 54.

88. Idem, para 56.

ed only on an average to about one acre per square mile and mortgages to two acres per square mile of assessed area per annum. Only one proprietor out of 334 parted with his land and the proportion of mortgages was only 1 to 133.⁸⁹ These transactions clearly showed that Punjab was quite prosperous and that the British land revenue assessment was moderate. There was therefore no need for any special legislation seeking to increase the restrictions already placed upon the sale of land in Punjab.⁹⁰ Whenever the sale of land took place it was done voluntarily and seemed to be the natural result of the creation of valuable property resulting from a moderate land revenue assessment and from added security provided by an efficient administration. Formerly under Sikh rule, as land had no such value, the sale of land was not common.⁹¹

Land Revenue Act, 1871

The problem of tenancy was satisfactorily settled by the Act of 1868 but the law relating to land revenue was in a state of uncertainty prior to the passing of the Act of 1871. It is therefore extremely necessary for us to look back to find out how this uncertainty crept in the land revenue machinery of Punjab. The earliest legislation on the subject of assessment and collection of land revenue dates from the year 1793 when the famous Permanent Settlement of Lord Cornwallis became law. During the period 1793 to 1822 it was introduced in Benares but in North Western Provinces summary settlements were made with the village communities on the basis of Regulation VII of 1822 which was subsequently modified by Regulation IX of 1833. The system established by these Regulations was consolidated into two books, viz., "The Directions to Settlement Officers" and "The Directions to Collectors".⁹²

89. Report on the Revenue Administration of Punjab and its Dependencies, 1874-75 (Lahore, 1875), para 26.

90. Idem.

91. Report on the Revenue Administration of Punjab and its Dependencies, 1870-71 (Lahore, 1871), para 91.

2. Extract from the Procdgs. of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic-cap dt. 5 September, 1871, p. 2. Legislative A Procdg. No. 112, dt. December, 1871.

In 1849 when Punjab was annexed, the system which prevailed in North Western Provinces was introduced in the province according to the policy of the Government.⁹³ Punjab was placed under a Board of Administration and its powers were defined in a Despatch from the Government of India dated 31 March, 1849. The intention of those who drafted the Despatch was to say to the Board of Administration, "Govern these provinces as well as you can and according to your own discretion, and take for your guide generally speaking, the system already established by law in the North Western Provinces." The attention of the Punjab Board was also drawn to "The four short printed circulars of the Sadar Board of Revenue of the North Western Provinces and the pamphlets published under the authority of the Lieutenant Governor" as forming "an admirable body of instructions, adapted to any province where the village system obtains and explains so lucidly the structural and functional divisions of our complicated revenue machinery that they should be largely indented for and circulated among our officers."⁹⁴

The officers in Punjab made use of these regulations and circulars upto 1861 according to their own discretion and the courts did not challenge their decisions. But when new courts were established and worked under the Code of Civil and Criminal Procedure it became obvious that the instructions originally given to the Board were rather too general and inadequate and failed to provide any clear and proper guidance to the provincial authorities. An illustration will bear out this contention. The instructions of the Governor General were silent on the point whether Regulation VII of 1822 was extended to Punjab or not.⁹⁵ Sir Richard Temple and the members of the Board of Administration believed that their instructions were to take this Regulation as a general guide, but not to consider themselves bound by all its provisions. The Chief Court of Punjab, on the other hand, in a Minute held that Regulation VII of 1822 was applied to Punjab and that the government had not been given any discretion on it.⁹⁶ The law relating to land

93. See Chapter I for principles of administration.

94. See Foreign Secret Procdg. Nos. 18-29 dt. 28 April, 1849.

95. Proceedings of the Council of the Governor General of India dt. 5 September, 1871, p.4. Legislative Procdg. No. 112, dt. December, 1871.

96. *Idem*, p. 4.

revenue was thus uncertain.⁹⁷ A Bill was therefore framed to remove this obscurity and uncertainty and define and consolidate the law relating to land revenue in Punjab.⁹⁸ This Bill received the assent of the Governor General on 13 October, 1871 and came to be known as Punjab Land Revenue Act.⁹⁹

The following were the main provisions of this Act :¹⁰⁰

I. Grades of revenue officers

The Financial Commissioner who acted under the control of the Lieutenant Governor was the chief controlling revenue authority in Punjab.¹⁰¹ The Commissioners, who were subordinate to the Financial Commissioner, acted as the chief controlling revenue authority within a division.¹⁰² The Deputy Commissioners who were subordinate to the Commissioners, were the chief executive revenue authority in a district.¹⁰³ The *Tahsildars*, who were subordinate to the Deputy Commissioner, were the chief executive revenue authority in a *tahsil* or sub-district.¹⁰⁴

II. Settlements

A settlement was said to be in progress whenever the amount of revenue to be paid in a district or other local area was under assessment or reassessment, or whenever the record of rights was being either made or revised under the provisions of the Act.¹⁰⁵

Settlements were divided into three categories :

- (a) a summary settlement was a provisional settlement made pending a first regular settlement.¹⁰⁶
- (b) a first regular settlement was a settlement in which the revenue was assessed, and a record of rights was, for the first time, formed.¹⁰⁷

97. *Idem*, pp. 4-5.

98. Statement of Objects and Reasons, Punjab Land Revenue Act, 1871, Legislative Procdg. No. 132 dt. December 1871.

99. *Idem*.

100. See Appendix III for the full text of this Act.

101. Govt. of India Act No. XXIII of 1871, Chapter I, Cl. 2(1).

102. *Idem*, Chapter I, Cl. 2(2).

103. *Idem*, Chapter I, Cl. 2(3).

104. *Idem*, Chapter I, Cl. 2(4).

105. *Idem*, Chapter II, Cl. 7.

106. *Idem*, Chapter II, Cl. 10(1).

107. *Idem*, Chapter II, Cl. 10(2).

- (c) a *resettlement* was a settlement subsequent to a first regular settlement, in which either the revenue was reassessed, or the record of rights was revised, or in which both these processes were conducted.¹⁰⁸

III. Record of rights

The record of rights consisted of the following documents:

- (a) *Maps and measurement papers*. These showed the boundaries of the village or place where the settlement was made and the fields into which it was divided.¹⁰⁹
- (b) *Khuteonee*. This was a statement of the occupiers and owners of the fields specified in the said maps, and of the lands occupied and owned by them. It also contained the terms on which they were so owned or occupied.¹¹⁰
- (c) *Tender of engagement*. This was a tender on behalf of the person or persons 'settled with' to engage for the payment of revenue during the terms for which the settlement was made.¹¹¹
- (d) *Khewut*. This was a statement of the shares or holdings of the different persons settled with and the amount of revenue for which, as between each other, they were to be responsible, and a statement of persons holding lands free of revenue and of the lands so held.¹¹²
- (e) *Wajib-ul-arz*. This was a statement of the terms on which the persons settled with agreed to pay the revenue assessed and of the customs of the village or place where the settlement was made.¹¹³
- (f) *Rubikaree*. This was an abstract of the proceedings which contained a statement of all judicial decisions passed by the settlement officer in the course of the settlement.¹¹⁴

108. *Idem*, Chapter II, Cl. 10(3).

109. *Idem*, Chapter II, Cl. 14(1).

110. *Idem*, Chapter II, Cl. 14(2).

111. *Idem*, Chapter II, Cl. 14(3).

112. *Idem*, Chapter II, Cl. 14(4).

113. *Idem*, Chapter II, Cl. 14(5).

114. *Idem*, Chapter II, Cl. 14(6).

IV. Collection of land revenue

The Act authorized Punjab Government to make rules regarding the realization of land revenue.¹¹⁵ In cases of its non-payment this Act provided recovery of arrears either by imprisonment or sale of the moveable property of the person or persons concerned.¹¹⁶

The Land Revenue Act thus consolidated and defined the law relating to the settlement and collection of land revenue in Punjab. Before its enactment the settlement officers made use of the Regulations which were found to be vague and obsolete. The Land Revenue Act expressed in a single enactment the various rules and orders which were heretofore in force in Punjab. It distinctly prescribed the procedure that was to be followed in the assessment of revenue and in the correction of record of rights. It did not alter the existing law on the subject but cleared doubts as to what was the law and put it into a convenient and clear form. It had no ambitious aims and planted no new tree but merely preserved its branches which because of time and neglect had become ungainly. Punjab had now its own law relating to land revenue like other provinces in India.

Miscellaneous sources of revenue

During the time of Ranjit Singh check posts were established throughout the length and breadth of Punjab because his aim was to extract the maximum of revenue out of everybody by every conceivable method. The Report for 1849-50 vividly describes this system in the following words : "No distinction was made between domestic and foreign industry, between articles of indigenous and extraneous production, between manufactures at home and abroad. The artisans of Lahore and Umritsur were taxed together with the goldsmiths and iron-mongers of Kabul; the silks of Mooltan, and the cloths of Punjab were no less dutiable than the cotton goods of Europe; the shawls of Kashmere, the groceries of Kabul, the dried fruits of Central Asia. The cotton, sugar and indigo of the Punjab had to pay an excise equal in amount the customs levied on the same produce imported from Hindoostan. Nor was the salt the

115. *Idem*, Chapter V, Cl. 42.

116. *Idem*, Cl. 43.

only necessary of life subject to taxation; ghee, tobacco, vegetables, all the poor man's luxuries, were placed under contribution."¹¹⁷

The 48 miscellaneous taxes yielded an annual revenue of 16 lakhs of rupees to Ranjit Singh while the 23 revised taxes of the regency yielded a revenue of 13½ lakhs of rupees. The British Government when it annexed Punjab swept aside those irksome imposts and in their place introduced only four such taxes which brought money to the coffers of Punjab Government.¹¹⁸ The Britishers thus simplified the fiscal system and it brought much relief to the people. The four new miscellaneous sources of revenue included spirits and drugs, salt, stamps and income tax. They furnished only one-fourth of the state resources the remaining three-fourth being realised from the land-tax.¹¹⁹

Spirits and drugs

The excise relating to spirits is technically called *Abkari*. The spirits are a decoction from Molasses and the bark of "*Babool*", a common tree growing in the plains. The excise relating to drugs is technically called *Muskerat* and consists of *Bhung*, *Churus*, *Post* or poppy head and opium. Upon annexation of Punjab the Government leased out the excise relating to spirits and drugs to a number of contractors.¹²⁰ The cultivation of poppy was however placed under certain restrictions. The cultivator was of course allowed to grow enough for his own consumption but if he produced anything beyond his own requirements he had to surrender it to the government contractors who could sell it in some revenue or police jurisdictions of a district. These restrictions diminished the cultivation of poppy. In 1856 therefore the government abolished this system and the cultivator was permitted to dispose off the poppy according to his own sweet-will on payment of an extra rate of two rupees per acre, in addition to the land tax. This resulted in an increase in poppy cultivation.¹²¹ But on 1 August, 1863 the system of

117. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 299.

118. 1849-50 : Rs. 17,24,456-15-05

1850-51 : Rs. 18,23,839-01-11

119. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 37.

120. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 53.

121. Idem.

leasing out the excise to contractors was superseded by that of the *Saddar* Distilleries¹²² so that there may be a uniform system of laws for the whole of India. The revenue realised from spirits and drugs however increased throughout the period of our study excepting during the mutiny when a slight decrease in consumption ultimately resulted in the diminution of revenue.¹²³

Salt

Under the Sikh rule the Cis Indus and Kalabagh salt mines were leased out to contractors and they enjoyed the monopoly of its sale so long as they paid the revenue to the state. The mercantile community purchased salt from the contractors but made the payment only when it was sold off. Time revealed that this system did not work out properly because the mercantile community invariably failed to pay its price to the contractors who in turn could not pay it to the Lahore Treasury. This system therefore resulted in a loss to Sikh Government.¹²⁴

In 1849 the management of these mines was taken over by the British Government and on payment of a duty of Rs. 2 per maund the salt was allowed to pass free throughout the British dominions.¹²⁵ In the Kohat district, beyond the Indus, salt had to be sold at the nominal price of two to four annas per maund to the inhabitants because of political considerations. But in order to check competition of this lightly taxed salt with the salt produced in Cis Indus mines a preventive line was established along the left bank of the Indus. There was no preventive line along the Northern border of Punjab because the salt produced in the Himalayan regions could not compete with Punjab salt. But in order to prevent the Rajputana salt from entering Punjab a preventive line was established along the Sutlej at Multan.¹²⁶

122. Punjab Land Revenue Administration Report, 1862-63 (Lahore, 1863), para 23.

123. 1856-57 : Rs. 5,99,393
1857-58 : Rs. 5,04,498
1858-59 : Rs. 6,74,356
1859-60 : Rs. 7,45,728

124. Foreign Misc. Series, S. No. 156, No. in the List, 356-59, para 302.

125. Imperial Gazetteer—Punjab, Vol. I. (Calcutta, 1908), p. 116,

126. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 57.

The salt revenue increased year by year.¹²⁷ In 1856 it was noticed that its consumption doubled since the establishment of British rule.¹²⁸ The increase in population, the pacification of the province, the reduction of land tax and the abolition of import and export duties resulted in this enhanced consumption amongst the agriculturists and the lower classes. Considerable quantities of salt were also exported eastwards and to the north as far as Jammu and Kashmir.¹²⁹ With the incorporation of the Delhi territory in Punjab in 1859 the revenue from salt increased further.¹³⁰ There was however a falling off in the revenue at some intervals. In 1862-63 there was a decrease because salt which was illicitly manufactured in Oudh flowed into the markets of Punjab.¹³¹ The decrease during 1868-69 was owing to famine.¹³² Heavy rains prevented its export in 1871-72 and also destroyed much that had already been manufactured.¹³³ For the rest of the period it kept on increasing.

The price of salt was low and was easily paid by the consumers. A poor man consumed half a seer of salt at the utmost in a month. It was worth half an anna. Even the poorest man who only earned three rupees per month could afford to purchase for himself and the family this article of daily use.¹³⁴ So without any hardship to the man in the street the government derived no small income, from this source. If in 1851-52 it contributed a sum of nearly thirteen lakhs to Punjab coffers, in 1875 it yielded nearly forty lakhs of rupees.¹³⁵

127. 1851-52 : Rs. 12,81,295

1852-53 : Rs. 16,84,216

1853-54 : Rs. 19,50,535

128. *Consumption of Salt*

In 1849 : 600,000 maunds

In 1855 : 1,047,028 „

129. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 59.

130. 1856-57 : Rs. 20,08,393

1857-58 : Rs. 20,75,000

1858-59 : Rs. 48,57,629

1859-60 : Rs. 49,51,728

131. PAR 1871-72 (Lahore, 1872), para 323,

132. PAR 1868-69 (Lahore, 1869), para 210.

133. PAR 1871-72 (Lahore, 1872), para 323.

134. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 59.

135. 1851-52 : Rs. 12,81,295

1874-75 : Rs. 40,71,256.

Stamps, Income Tax etc.

Prior to 1860 any deed, document or bond was received as evidence in courts provided it was filed with stamp paper of a value of eight annas.¹³⁶ This rate of stamps was only half the value of the rate which prevailed in the Bengal Presidency. But with the passing of the Stamp Act in 1861 this rate was brought on par with the Bengal Presidency.¹³⁷ The stamp revenue was continuously on the increase due to increase in litigation and registration of deeds.¹³⁸ This indicated the growth of mercantile transactions as also a steady increase in the wealth and prosperity of the people.¹³⁹ The Income-tax was introduced in the second half of 1859-60,¹⁴⁰ but was abolished in 1865 because the increased productivity of other taxes¹⁴¹ made up the deficit caused by the abolition of the Income-tax. A larger revenue was now realized without the Income-tax.¹⁴² The Inland Customs Act passed by the Government of India in 1875 consolidated the law previously scattered over numerous Acts, Regulations, Rules and Orders relating to inland custom duties in Punjab, North Western Provinces, Oudh and Central Provinces.¹⁴³

Fiscal Policy

Prior to 1871 financial supremacy of the Government of India was an established fact.¹⁴⁴ During this period no provincial government could keep any part of its collections or under-

136. Barkley, D.G. Non-Regulation Law of Punjab, (Lahore, 1871), p. 123.

137. PAR 1860-61 (Lahore, MDCCCLXI), para 66.

138. Foreign Misc. Series, S. No. 157, No. in the List, 364, para 64.

139. PAR 1866-67 (Lahore, 1867), para 287.

140. Punjab Land Revenue Administration Report, 1859-60 (Lahore, 1860), para 572.

141. 1858-59 : Rs. 26,57,065

1859-60 : Rs. 28,37,541

1861-62 : Rs. 2,87,18,526

1862-63 : Rs. 2,91,08,205

1863-64 : Rs. 3,02,93,033

1864-65 : Rs. 3,03,86,448

142. PAR 1865-66 (Lahore, 1866), paras 103-4.

143. PAR 1874-75 (Lahore, 1875), para 61.

144. Prasad, Bisheshwar. The Origins of Provincial Autonomy, (Allahabad, 1941), p. 13.

take any expenditure without the previous sanction of the Government of India. The provinces were not allowed to spend the revenues allotted to them in creating any new office, or granting any salary, gratuity or allowances. This rigorous control of the Central Government on provincial finances is described by Strachey in the following words :

"The local Governments (*i.e.*, Provincial), which practically carried on the whole administration of the country, were left with almost no powers of financial control, over the affairs of their respective provinces, and no financial responsibility. Everything was rigorously centralised in the Supreme Government which took upon itself the entire distribution of the funds needed for the public service throughout India. It controlled the smallest details of every branch of the expenditure; its authority was required for the employment of every person paid with public money, however small his salary; and its sanction was necessary for the grant of funds, even for purely local works of improvement, for every local road, and every building however insignificant."¹⁴⁵

The sources of income of Punjab Government were, of course, the land tax, excise on salt and on spirits and drugs, the stamp duties and income-tax. The expenditure included the cost of the central institutions such as the Board's office, the judicial, land revenue, excise, police and public work establishments. Economically the position of Punjab was quite sound upto 1857 because the revenue was buoyant, the expenditure was kept within income and there was an annual surplus of revenue¹⁴⁶ in spite of extra-ordinary increase in the expenditure on public works.¹⁴⁷

145. Strachey, Sir John and Lt. General Richard, *Finances and Public Works of India from 1869 to 1881*, (London, 1882), p. 134.

146. <i>Years</i>	<i>Income</i>	<i>Expenditure</i>	<i>Surplus</i>
1855-56	Rs. 2,01,26,935	Rs. 1,63,29,739	Rs. 37,97,196
1856-57	Rs. 2,03,77,789	Rs. 1,65,00,072	Rs. 38,77,717
1857-58	Rs. 2,05,30,710	Rs. 1,76,66,775	Rs. 28,63,953

147. <i>Expenditure on Public Works</i>	
1852-53 :	Rs. 20,23,442
1853-54 :	Rs. 21,81,283
1855-56 :	Rs. 37,30,749

During the mutiny there was a serious want of funds. The expenditure on public works was therefore reduced to meet the cost of the new troops which had been recently raised to preserve peace. This didn't solve the difficulties of Punjab Government because a crore of rupees which it used to receive from the Lower Provinces was not sent to it owing to the breakdown of communications. Under these circumstances Punjab Government stopped payment of salaries to all its employees and raised a six per cent loan to meet the situation. This solved the problem and by the beginning of 1858 the Government paid off all the arrears to its servants. Communications with the Lower Provinces had also been restored now.¹⁴⁸

Even after the mutiny financial difficulties continued to plague the Government of India.¹⁴⁹ The expenditure of Punjab Government was thus successively reduced from nearly 18 million rupees in 1858-59 to 14 million rupees in 1870-71.¹⁵⁰ Despite this handicap Punjab made progress in all the departments of administration and there was a rapid advance in its wealth and prosperity. Such results could be achieved only because Punjab administrators had a high sense of public duty.

In 1871 the Government of India introduced a radical change in its financial policy when it decided to introduce an element of decentralisation in its financial organization. An annual grant of Rs. 53,18,000 was now fixed for Punjab Government to meet its expenditure and if anything was required in excess of this sum it was to be made up by local taxation.¹⁵¹ Since this grant was insufficient it at once became necessary to supplement it by special legislation. Accordingly the Local Rates Act was passed by Punjab Government on 30th June, 1871 by which it could levy rates on land not exceeding six per cent of its annual values.¹⁵² This local taxation together with the road and school cesses did not prove to be sufficient for Punjab. The principle of fixed assignments

148. Foreign Misc. Series, S. No. 157, No. in the List, 365, para 82.

149. Strachey, John. *India—its administration and progress*, (London, 1908), pp. 111-12.

150. 1858-59 : Rs. 1,82,94,296

1870-71 : Rs. 1,47,27,520.

151. PAR 1871-72 (Lahore, 1872), paras 346-47.

152. *Idem*, para 348.

for growing charges therefore seemed to be one which could not logically be maintained without some modification. This principle "bound a living body to a corpse or "compelled a man to remain in clothes which only fitted him when a child."¹⁵³

Thus we see that in view of a clear cut policy of the Government of India Punjab Government could not have any financial policy of its own. Like other provinces Punjab was entirely dependant on the Government of India of which it was a collecting agency. It had to do what it was ordered by its superiors. Hence all the credit or blame emanating from the pursuit of such a financial policy was that of the Government of India and not of Punjab administration.

153 PAR 1875-76 (Lahore, 1876), paras 66-7.

CHAPTER VIII

CONCLUSION

An analysis of Punjab administration from 1849 to 1875 reveals that as long as Punjab Government followed the administrative principles and policy laid down in 1849 the system of administration was quite simple. Thereafter and especially after the passing of the Indian Councils Act, 1861 it became more and more rigid because there was a rapid process of assimilation and unification of laws throughout British India.¹ Nevertheless, numerous reforms were effected in the various departments of administration. The system of Government, in existence prior to annexation, gradually receded into the background and made way for a well regulated administration. It was undoubtedly a transition from a medieval to a modern system, a transition from the age of benevolent despotism to that of the rule of law.

The introduction of the Codes of Civil and Criminal Procedure, the Police and Prison Acts, the organization of the Education Department, the development of the public works on an extensive scale and the lenient revenue assessment policy were steps that undoubtedly brought about great improvements in administration as compared with the erstwhile Sikh administration. As a result of various measures introduced by the British Government everything was now regulated by specific laws and regulations so that the times when everything depended on the sweet-will of the sovereign, yielded place to a new order. Such significant progress was recorded during the course of these 26 years that Punjab could compare well with the older provinces like Bengal and North Western Provinces.

Looking back, we see that in 1849 the British Government was faced with the onerous and difficult task of reconstructing the machinery of administration which had become very lax since the death of Ranjit Singh. Herculean efforts were there-

1. Thompson and Garratt, *Rise and Fulfilment of British Rule in India*, (Allahabad, 1958), p. 425.

fore needed for effecting improvements in every branch of administration. The judicial system had to be developed, police reorganised, jails improved and Western education introduced. Public works had to be developed and above all the burden of land tax, which pressed hard on the people had to be lightened.

The British Government took adequate steps to discharge this responsibility creditably and achieved laudable success by making improvements in all the departments of administration during the period under review. They made it a part of their policy to seek full public co-operation to achieve their object. While building up the administration they did not ignore the peculiar characteristics and capabilities of the people and showed a deep insight into their trade usages, the practices of the landholding community, the manners and customs of the Hill tribes, and the principles of Hindu and Mohamman law. All that the British Government did had its genesis in the inspiration it derived from the idea of doing the greatest good to the people and it would hardly be an exaggeration to suggest that they were deeply influenced by the doctrine of utilitarianism which at that time was being strongly advocated by the great thinkers of England. The changes in the development of civil and criminal law, police, jails, education, public works and the revenue system were largely made to solve the difficulties of the people and ultimately to bring about their general good.

It would be interesting to note that as early as 1856 great developments were made in the administrative machinery. The simplicity and popularity of the judicial system, the success achieved by the police in suppressing all heinous crimes, the good organization of jails, the developments made in education and a sound financial policy of the Governmentall these factors created a deep and lasting impression upon the public mind. Such a benevolent policy proved extremely helpful during the mutiny of 1857. The facts that during this period of turmoil the judicial system remained undisturbed, the police co-operated with the government to check sedition, the jails were kept quieter than those of Bengal and North Western Provinces, education did not suffer and the revenue system did not press hard on the people, clearly prove that the people

were satisfied and had little to complain of against the government².

Certain other factors also influenced the people to maintain such an attitude of calm and co-operation towards the Government. The memory of the British victories at Sobraon and Gujarat was still fresh and the fear of the British power still haunted the people who had seen how the mutinous sepoys had been drawn up in front of guns, disarmed or driven away in flight, or slain or hunted to death. Imagining that similar could be the fate of mutineers everywhere, the people now recoiled from this ghastly prospect and sided with the British to quell the uprising. Moreover, the disarming of the people led to the curbing of their warlike pursuits. Above all what helped the British was the important fact that the Hindustanis and Punjabis were divided amongst themselves so that, as Dr. Sen puts it, "the new rulers found their security in their jealous rivalry"³. All these facts kept the Punjab quiet during the crisis and made it a 'model province for the Britishers'.

From the outset the British Government adopted sound and practical principles of administration. The first and foremost step was the necessity to restore peace and tranquility without which no progress was possible. The anarchial atmosphere which prevailed in Punjab after the death of Ranjit Singh bred a wide-spread spirit of insurgence and unrestrained ambition. The British Government was conscious of this fact and took strong measures to restore order and discipline, security and peace. Strict justice was established for all without fear or favour and thus no undue consideration was shown to any person. Punishments were accorded to thieves, robbers and other public enemies.

The British administrators remained active and devoted much attention and energy for the improvement of the public works. These public works, and particularly the railways, brought together people from all parts of India and encouraged social contact and exchange of ideas. Improved public works also facilitated industrial development and narrowed down

2. These conclusions were published in the *Quarterly Review of Historical Studies*, Vol. I, No. I—April-June 1861, pp. 32-3.

3. *Eighteen Fifty Seven* (Delhi, 1857), p. 327.

distances so that long and arduous journeys which were undertaken only by a few now became cheap and within reach of many more people. But perhaps the most far reaching and lasting benefit resulting from public works was the establishment of closer and wider contact amongst the people and an unconscious strengthening of the feeling of oneness—economic, social and cultural.

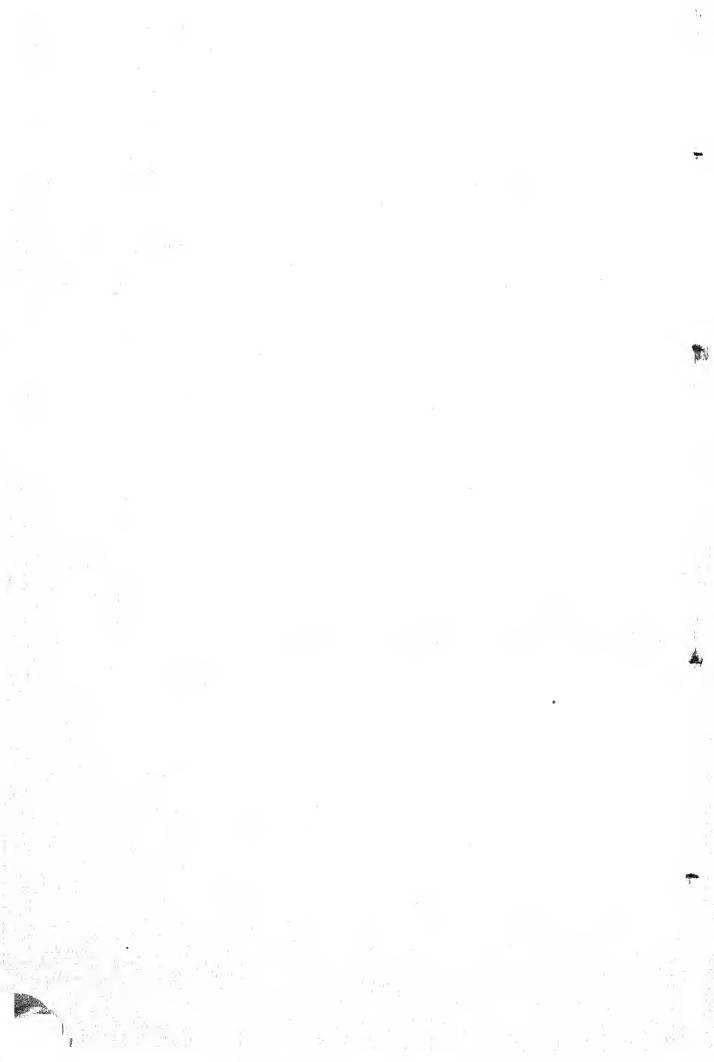
The educational system was so framed as to suit the lower and middle classes. The establishment of *Tahsili* schools for providing mass education in Vernacular enabled the peasants to understand the village records and defend themselves against the viles of village Shylocks. The Despatches of 1854 and 1859, on the other hand, enabled people not only to receive higher education in English but also created an English educated middle class to act as interpreters between the Government and the masses.

The land tax was fixed by such considerations as former assessments, condition of the people, irrigation facilities, proximity of markets and the past history of a district. The peasantry was kept contented, the rights of landlords and tenants were defined, and the summary and regular settlements were made with the villages and not with the individuals. But, what at the same time weakened the village institutions and sapped their power and authority was the conversion of the village Record Keeper into a paid Government official, the increasing reliance on scientific surveys for the assessment of revenue and the diversion of legal cases from arbitrators to the new courts.

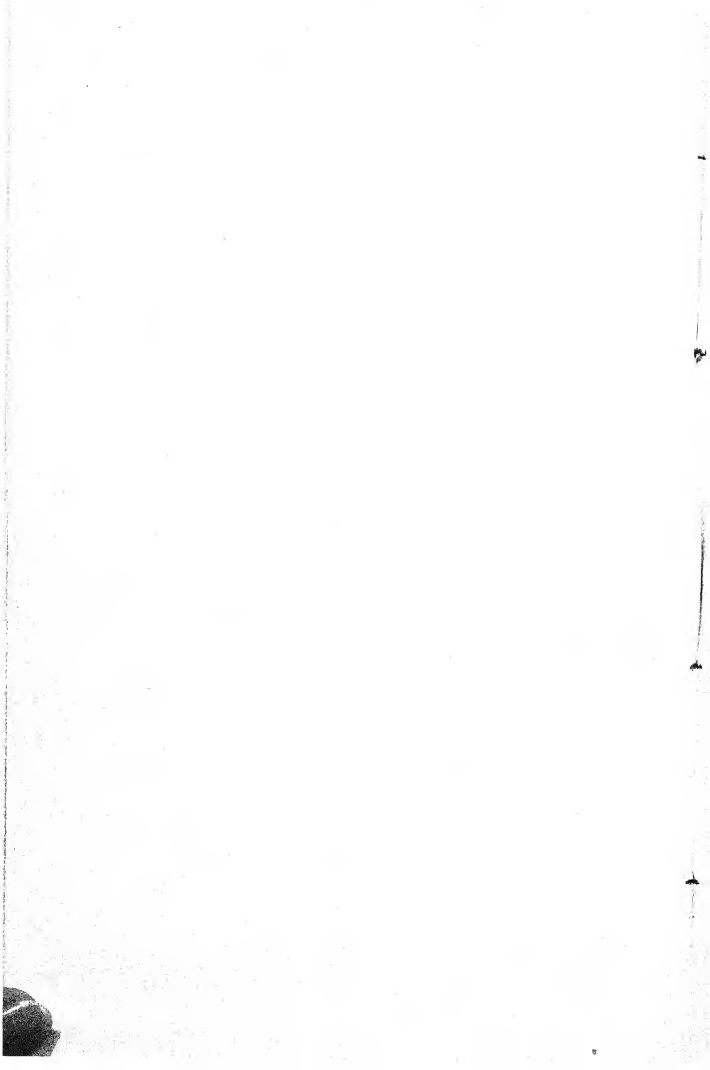
The most important contribution of the British Government lay in infusing new life and vigour into the administrative structure which at the time of annexation, was tottering and without cohesion, unity or moral basis. The eagle eye of the British administrators missed no branch or aspect of administration, however, insignificant. With skill and expedition every department was improved, organised and perfected. It can therefore be said that during this period Punjab administration took shape and began to grow.

On the whole by taking full advantage of the past experiences of failure and success in Bengal and Northern-Western Provinces, and helped by a body of civil officers trained in the Thomson School, the British Government was successful in

building up a sound administration in Punjab. And really there is great justification in the statement of Sir John Marshman when he said that "the happy result of this combination of experience, talent and energy has been the formation of an administration the like of which has never been seen in India, and which looks more like a picture of imagination than a tangible reality". This might perhaps appear to be an overenthusiastic estimate but there was much truth in it.



APPENDICES



APPENDIX I

PUNJAB LAWS ACT, 1872

(Act No. IV of 1872)

Passed by the Governor General of India in Council on
the 28th March 1872)

An Act for declaring which of certain rules, laws and regulations have the force of law in the Punjab, and for other purposes.

Whereas certain rules, laws and regulations made heretofore for the Punjab, acquired the force of law under the provisions of section twenty-five of the "Indian Councils' Act, 1861"; and whereas it is expedient to declare which of the said rules, laws and regulations shall henceforth be in force in the Punjab, and to amend, consolidate or repeal others of the said rules, orders and regulations; it is hereby enacted as follows:—

1. The Act may be called "The Punjab Laws Act, 1872".
2. It extends to the territories now under the admission of the Lieutenant-Governor of the Panjab, but not so as to alter the effect of any regulations made for any parts of the said territories under the Statute 33 Vic., cap. 3, Section 1: and it shall come into force on the first day of June 1872.
3. The Regulations, Acts and orders specified in the first schedule hereto annexed are in force in the Punjab to the extent specified in the third column of the said schedule.
4. The Regulations, Acts and orders specified in the second schedule hereto annexed are repealed to the extent specified in the third column thereof.

Civil Judicature

5. In questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partition, or any religious usage or institution.

the rule of decision shall be—

(1) any custom of any body or class of persons, which is not contrary to justice, equity and good conscience, and has not

been declared to be void by any competent authority.

(2) the Muhammadan law, in cases where the parties are Muhammadans, and the Hindu law, in cases where the parties are Hindus, except in so far as such law has been altered or abolished by legislative enactment, or is opposed to the provisions of this Act, or has been modified by any such custom as this Act, or has been modified by any such custom as is referred to in the preceding clause of this section.

6. In cases not otherwise specially provided for, the Judges shall decide according to justice, equity and good conscience.

7. All local customs and mercantile usages shall be regarded as valid, unless they are contrary to justice, equity or good conscience, or have, before the passing of this Act, been declared to be void by any competent authority.

Descent of Jaghirs

8. in all cases in which Government has declared any rule of descent to prevail in any family or families of assignees of land-revenue, such rule of descent shall be held to prevail, and to have prevailed amongst them for the time when the declaration was made.

Pre-Emption

9. The right of pre-emption is a right on the part of certain persons to purchase immoveable property in certain cases in preference to all other persons.

10. The right of pre-emption extends to all permanent dispositions of property, including sales under a decree of court and foreclosures of mortgages; but does not affect transfers made in good faith by way of gift, nor temporary dispositions of property.

11. The right of pre-emption shall be presumed to exist, whether recorded in the list of customs at settlement or not, in all village communities however constituted, unless the existence of any custom or contract to the contrary can be proved. It shall be presumed to extend to the village site, to the houses built upon it, to all lands and shares of lands within the village boundary, and to all transferable rights of occupancy affecting such lands.

12. The right of pre-emption shall not be presumed, but

may be shown, to exist in any town or city or any sub-division thereof.

13. When any person proposes to sell any property, or to foreclose a mortgage upon any property which is subject to the custom of pre-emption, he must give notice to the persons concerned of the price at which he offers to sell such property, or of the amount due in respect of such mortgage, or of the amount due in respect of such mortgage as the case may be.

14. If the property to be sold is situated within or is a share of, a village, the right to accept such offer or to redeem such mortgage belongs, in the absence of custom to the contrary.

First, to co-sharers in the village in order of relationship to the vendor or mortgagor ;

Secondly, if no relation of the vendor or mortgagor claim pre-emption, the landowners of the patti or other sub-division of the village in which the property is situated jointly ;

Thirdly, to any member of the village community ;

Fourthly, to tenants with rights of occupancy in the village, if any.

15. If the property to be sold is a share in joint undivided immoveable property, other than land, the offer to sell must be made to the co-sharers.

16. When any question arises between persons claiming a right of pre-emption over any immoveable property situated in any town or city, such questions shall, in the absence of custom to the contrary, be decided according to vicinity, relationship or the merits of the case.

17. Any person who claims a right of pre-emption over any property, may bring a suit against the vendor or purchaser on the ground, either that no previous offer of the property sold was made to him, or that any such offer to sell made to him was not made in good faith ; and if the court is of opinion that the plaintiff has a right of pre-emption over such property, and that no such offer was made or that the offer was not made in good faith, it shall make a decree directing the defendant to sell such property to the plaintiff at such a price as appears to the court to be the fair market-value of the property.

18. The decree shall specify a day on or before which the purchase-money shall be paid. If the purchase-money is not paid before sunset on that day, the decree shall become

void, and the plaintiff shall lose his right of pre-emption over the property to which it relates.

19. In case of sale by joint owners, no person who has been a party can withdraw his own share and claim a right of pre-emption as to the rest.

20. In villages in which the chakdari tenure prevails, the co-sharers in a well have a right of pre-emption as to shares in such well in preference to a general proprietor [in any such village having no share in the well but merely receiving a haq zamindari from the "chakdars".

Decrees Concerning Land

21. Every Judge of a Civil Court in which a decree, affecting the proprietary right in or possession of land is passed, shall cause a certified copy of such decree to be forwarded to the Deputy Commissioner of the district within a month from the making of such decree.

Insolvency

22. The local Government may invest any Court or any class of Courts with insolvency jurisdiction in any specified local area.

23. Any debtor, whose debts amount to rupees five hundred or upwards, and any creditor or creditors, to whom an aggregate sum of not less than rupees five hundred is due from any such debtor may petition the Court having local insolvency jurisdiction that the debtor be, adjudicated an insolvent.

24. If it appear that the debtors' liabilities amount to more than rupees five hundred, the Court may—

- (i) call upon the debtor to make a statement of his assets and liabilities ;
- (ii) invite by proclamation or otherwise the appearance of persons to record claims against the debtor ;
- (iii) register all claims so recorded ;
- (iv) call upon the debtor to give reasonable security for his appearance, or, on default of reasonable security, order his confinement in the civil jail ;
- (v) attach all the debtor's property in Punjab, moveable or immoveable ;

- (vi) pass an order exempting the person and property of the debtor from further legal process, pending inquiry and the final orders of the Court.

A debtor or whom the order is referred to in clause six of this section is passed, is deemed an insolvent.

25. The Court shall make full enquiry into the origin, nature, and circumstances of the debts, and the conduct of the debtor in relation thereto; and if the insolvent be shown to have been guilty of concealment, fraud, recklessness or other gross misconduct in reference to the debts, and if his discharge, for that reason, is opposed by any of the creditors the Court may, at its discretion, award a term of imprisonment in the civil jail not exceeding one year.

26. If it appear that the debtor, after becoming unable to meet his liabilities, or in expectation of becoming so, has transferred his property, or any part thereof, with a view to defrauding his creditors, or to giving one or more creditors a fraudulent preference over the others, the court shall annul such transfer, and treat the property transferred as the other property of the debtor.

27. The property of the insolvent shall be sold or administered, under the direction of the Court, either through the agency of its own officers or of assignees to be appointed by the Court, in the manner most conducive to the interest of the creditors, and the proceeds shall be divided rateably amongst them.

28. The Court shall give effect to any composition or arrangement agreed upon between the debtor and the majority of the creditors; provided that no injustice or injury appears to be inflicted by such composition or arrangement on any of the parties concerned, and that no fraud nor collusion is suspected. If any creditor objects to such arrangement, the court shall decide as to the reasonableness of the objection.

29. When the sale or administration of the insolvent's property is complete, the Court may order the insolvent to be discharged, on his signing an agreement to liquidate, from any property which he may subsequently acquire, such portion of his debts as remains unpaid. Such order of discharge shall preclude any creditor whose claim is registered from suing the debtor in respect of such claim, unless it be shown that the

debtor has acquired property, since the order of discharge, out of which the claim might have been defrayed.

30. Nothing in the preceding sections shall apply to persons who may have been admitted to the benefit of any insolvency law at a presidency town; nor shall any other passed under the preceding sections effect the remedy of any creditor against his debtor in respect of property which, at the time of the insolvency of such debtor, was not in Punjab.

31. The Chief Court of Punjab may, with the sanction of the Local Government, from time to time, frame and issue rules, conformable to the provisions hereinbefore contained, for the better administration of insolvency estates, and may with the like sanction alter any such rules.

32. The Local Government may at any time, with the previous sanction of the Governor General in Council, exclude any particular class or race from the operation of these rules.

33. No proceedings of any court in the exercise of insolvency jurisdiction, before the passing of this Act, shall be held to have been invalid solely on the ground that such Court did not possess, such jurisdiction; all cases pending in any court of insolvency, when this Act comes into force, shall be subsequently conducted, so far as may be, in conformity with the rules so prescribed.

Minors and the Court of Wards

34. Deputy Commissioners shall be Courts of Wards within their respective districts, but shall exercise the functions of such Courts subject to the control of the Commissioner and Financial Commissioner.

35. The Court of the Wards may, at its discretion, take charge of and administer the estates, of all females, all minors under the age of eighteen, and idiots or lunatics, who may inherit any beneficial interest in any estate for which a settlement was made with their ancestor, or in respect of which they been entitled to be settled with, if they would have been entitled to be settled with, if they had been competent to make an agreement for the payment of revenue, or who are entitled by inheritance to any assignment of land-revenue.

Provided that the Court of Wards shall not take charge, or administer any beneficial interest in, an estate, in which

more persons than one have a joint undivided interest, unless all such persons are so circumstanced as to be subject to the Court of Wards.

36. The Deputy Commissioner may make an enquiry into the minority, lunacy or idiocy of any person, who, he has reason to believe, would, if found to be a minor, lunatic or idiot, be subject to the jurisdiction of the Court of Wards, and into the circumstances and property of any such person, and may make an order declaring such person to be subject to the jurisdiction of the Court of Wards.

37. Any such person may appeal to the Commissioner of the Division against any such order on the ground that he is not, or has ceased to be, a minor, or that he is not, or has ceased to be, a lunatic or idiot, and the decision of the Commissioner shall be certified to the Court of Wards, and shall be final.

38. The jurisdiction of the Court of Wards shall extend to the care and education, and to the management of the property of the persons subject thereto; and the Local Government shall make rules as to the manner in which, and the agents by whom, such jurisdiction shall be exercised.

Criminal Judicature

39. The provisions of the Indian Penal Code, with the exception of chapter VI, shall be applicable to all offences committed before first January 1862, in territory which was, at the time of the commission of such offence, subject to the Government of the Punjab :

Provided that nothing contained in this section shall affect any privilege conferred on certain Chiefs in the Punjab by the Governor General in Council, or by the Board of Administration for the affairs of the Panjab, nor any indemnity or pardon granted by competent authority.

Honorary Police Officers

40. The Local Government may, if it thinks fit, confer on any person any of the powers which may be exercised by a Police Officer under any Act for the time being in force.

Track Law

41. When an offence, is, has been, or may reasonably be supposed to have been, committed, and the tracks of the

persons who may reasonably be supposed to have committed such offence, or of any animal or other property reasonably supposed to be connected with such offence, are followed to a spot within the immediate vicinity of village, the person following such track may call upon any Headman or Village Watchman in such village to assist in carrying on the tracks.

42. If such Headman or Watchman do not forthwith give such assistance, or if the inhabitants of such village do not afford full opportunity for search in their houses for the offenders, or if, from the circumstances of the case, there shall appear good reason to believe that the inhabitants of such village, or any of them, were conniving at the offence or at the escape of the offenders, and such offenders cannot be traced beyond the village the Magistrate of the District may with the previous sanction of the Commissioner of the Division, inflict a fine upon such village not exceeding five hundred rupees, except in the case of stolen property over five hundred rupees in value, in which case the fine shall not exceed the value of such property.

An appeal against all convictions under this section shall lie to the Chief Court.

The Magistrate may direct that the fine imposed under this section or any part thereof, shall be awarded to any persons injured by such offence in compensation for such injury ; and, in the case of stolen property recovered through the agency of a tracker, may direct that such property be not restored to its owner until he has paid to such tracker such fee, not exceeding one fourth part of the value of the stolen property, as to the said Magistrate seems fit.

Slaughter of Kine

43. The slaughter of kine and the sale of beef shall not take place, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

Armed Men and Foreign Vagrants

44. No band of armed men shall enter into any city or town except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

45. The Magistrate of the District may, if he considers that any band of foreign vagrants is likely to occasion a breach of the peace or to commit any offence under the Indian Penal Code, prohibit such band from entering his district ; or, if they are already in his district, may require them within a given time to leave it.

46. If any such band fail to comply with the orders of the said Magistrate within the prescribed period, he shall report the matter to the Local Government, and the Local Government may give such directions for the surveillance, control or deportation of such band, as to it seems fit.

Miscellaneous

47. No person shall cross any river or stream on a buoy or inflated skin, nor shall have in his possession or custody any buoy or skin for the purpose of being used in crossing any river or stream, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

48. No person shall make use of the pasturage or other natural product of any land being the property of the Government, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

49. No person shall grow, sell or keep in his possession any opium, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

50. The Local Government may issue rules as to the matters mentioned in sections forty three to forty-nine inclusive, and may, from time to time, cancel or alter any such rules.

Any person who breaks any rule made by the Local Government under this Act, shall be punishable with a fine not exceeding rupees fifty, or imprisonment not exceeding a period of six months, or with both ; provided :

- (1) that such rules be not in consistent with the provisions of this or any Act or law for the time being in force in the Panjab.
- (2) that, previous to notification, they be sanctioned by the Governor General in Council ;

(3) that they be notified in the Local Gazette.

Existing rules upon the subjects hereinbefore mentioned shall, until otherwise directed by the Local Government, be deemed to have been issued under, and in conformity to, this section.

51. All rules which the Local Government is empowered to issue under this act, and all circulars issued by the Chief Court, shall with the previous sanction of the Governor General in Council, be republished once at least in every year ; and, upon such republication, shall be arranged in the order of their subject matter ; and all such alterations or amendments as may have been made in the course of the preceding year, or may have become necessary or advisable, shall be embodied therewith ; and upon such republication all such rules and circulars, previously issued, shall be repealed.

SCHEDULE—I

Enactments declared to be in force

*Explanation :—*This schedule does not refer to any Act which is in its terms applicable to Punjab, or which has been extended to Punjab by competent authority.

<i>Number and year</i>	<i>Title</i>	<i>Extent to which the enactment is in force</i>
Reg. I of 1798	A Regulation to prevent Fraud and Injustice in Conditional Sales of Land under Deeds of Bye-bilwuffs, or other Deeds of the same nature.	The whole, except such parts as relates to interest.
Reg. X of 1804	A Regulation for declaring the Powers of the Governor General in Council to provide for the immediate Punishment of certain offences against the State by the Sentence of Courts Martial.	The whole, so far as it is not modified by Act V of 1841.

<i>Number and year</i>	<i>Title</i>	<i>Extent to which the enactment is in force</i>
Reg. XVII of 1806	A Regulation for extending to the Province of Benares the Rates of Interest on future Loans, and Provisions relative thereto, contained in Regulations XV 1793, also for a general extension of the period fixed by Regulations I, 1798, and XXXIV, 1803, for the redemption of Mortgages and Conditional Sales of Land, under Deeds of Bye Bil Wuffa. Kutub- alah, or other similar designation.	Sections seven & eight.
Reg. V of 1817	A Regulation for declaring the the Rights of Government and of Individuals with respect to hidden Treasure, and for prescribing the Rules to be observed on the Discovery of such Treasure.	The whole.
Reg. III of 1818	A Regulation for the Confinement of State prisoners.	The whole.
Reg. XI of 1825	A Regulation for declaring the Rules to be observed in determining Claims to Lands gained by alluvion, or by dereliction of a river or the sea.	The whole.
Reg. XX of 1825	A Regulation for declaring the jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some parts of the existing Regulations in conformity thereto.	Sections two and four.

<i>Number and year</i>	<i>Title</i>	<i>Extent of which the enactment is in force</i>
Act XI of 1858	An Act for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal.	The whole.
Act XVII of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	The whole the word 'Punjab', being substituted for the words "North Western Provinces".

	"Rules for the conservancy of Forests and Jungles in the Hill Districts of Punjab Territories, sanctioned by the Governor General in Council, in letter of the Secretary to the Government of India, No. 1789, 21st May 1855."	The whole.

SCHEDULE—II

Enactments Repealed

<i>Number and year</i>	<i>Title</i>	<i>Extent of repeal</i>
	All Bengal Regulations now in force in Punjab except those specified in schedule I.	The whole.
	All Rules, laws and regulations made for Punjab and its dependencies or for any part thereof, by the Governor General of India or the Governor General of Punjab otherwise than at meetings for making laws and regulations in confirmity with the provisions of the Acts of the 3rd and 4th years of King William the Fourth, Chapter eighty-five of the 16th and 17th years of Her Majesty, Chapter ninety-five or other Act in force for the time being, except those specified in Schedule I.	The whole.
Act VI of 1846	An Act for the more convenient administration of the Government of the country called the Bhuttee Territory.	The whole.
Act I of 1847	An Act for the establishment and maintenance of Boundary marks in the North Western Provinces of Bengal.	The whole so far as it effects Punjab.
Act III of 1870	An Act to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.	The whole, so far as it is unrepealed.

APPENDIX II

PUNJAB TENANCY ACT, 1868

(Act No. XXVIII of 1868)

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the
21st October, 1868)

An Act to define and amend the law relating to the
tenancy of land in Panjab.

Whereas it is expedient to define and amend the law relating to certain matters connected with the tenancy of land in Panjab; it is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

1. This Act may be called “The Punjab Tenancy Act, 1868”, and shall extend only to the territories for the time being under the Government of the Lieutenant Governor of Panjab.

2. Nothing contained in this Act shall affect the operation of any decree of Court under which a tenant holds or of any agreement between a landlord and a tenant, when such agreement is in writing or recorded by the proper officer in the record of a regular settlement sanctioned by the Local Government.

All entries in such record in respect of matters comprised in chapters III, IV, V and VI of this Act shall, when attested by the proper officer, be deemed to be agreements within the meaning of this section.

3. In this Act, unless there be something repugnant in the subject or context—

“Land” means immoveable property for the time being subject to a settlement, whether regular or summary, of land-revenue ;

“Rent” means whatever is payable by an occupant of land on account of the use or occupation thereof ;

Any instalment of rent which is not paid on or before the day when the same becomes due, whether under a written

agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of rent ;

“Tenant” means any occupant of land liable to pay rent therefor, but does not include an under-proprietor ;

“Landlord” means any person entitled to receive rent payable by a tenant ;

“Grand-father” includes the father of an adoptive father, “uncle” the brother of an adoptive father, and “grand-uncle” the adoptive father of an uncle ;

“Representative” means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person.

4. The Book Circular of the Financial Commissioner of Punjab, No. 33 os 1860, is hereby repealed.

CHAPTER II OF RIGHTS OF OCCUPANCY

5. Every tenant who—

(1) has heretofore paid no rent and rendered no service, in respect of the land occupied by him, to the proprietor thereof for the time being, beyond the amount of land-revenue and village-cesses for the time being chargeable thereon, and whose father and grand-father, uncle and grand-uncle the occupying same land, have paid no rent and rendered no service in respect thereof to such proprietor, beyond the amount aforesaid ;

(2) or who has involuntarily parted or shall involuntarily part with proprietary rights in any land otherwise than by forfeiture to Government ; and who has continuously occupied or shall continuously occupy such land or any part thereof from the time of such parting ;

(3) or who is, at the date of the passing of this Act, the representative of a person who settled as a cultivator in the village in which the land occupied by such tenant is situate along with the founders of the village ;

(4) or who is or has been jagirdar of the village or any part of the village in which the land occupied by him as tenant is situate, and who has continuously occupied such land for not less than twenty years ;

shall be deemed to have a right of occupancy in the land so occupied.

6. Every tenant whose name appears in the records of a regular or revised settlement heretofore sanctioned by the Local Government, as having a right of occupancy in land which he or the person from whom he has immediately inherited has continuously occupied from the entry of his name or the name of such person (as the case may be) in such settlement, shall be presumed to have a right of occupancy in the land so occupied, unless the landlord shall in a regular suit prove—

(1) that, within the thirty years immediately before the institution of such suit, other tenants of the same class in the same or in adjacent villages have ordinarily been ejected from their holdings at the will of the landlord; or

(2) that the tenant has voluntarily admitted, before any officer employed in making or revising a regular settlement of land-revenue or before any officer authorized to attest the entries in the record of such settlement, that he is a tenant not having a right of occupancy, and that such admission has been recorded at the time by the officer so employed or authorized.

7. If the tenant has voluntarily exchanged the land, or any portion of the land, formerly occupied by him for other land belonging to the same landlord, the land taken in exchange shall, for the purposes of this Act, be held to be subject to the same right of occupancy as the land given in exchange would have been subject to if the exchange had not taken place.

8. Nothing herein contained shall be deemed to preclude any person claiming a right of occupancy on any ground other than the grounds hereinbefore specified from suing to establish such right.

9. No tenant shall be deemed to acquire a right of occupancy by mere lapse of time.

And no right of occupancy in the common lands belonging to a pattidari village community shall be acquired under this chapter.

CHAPTER III OF RENT

1. *Enhancement*

10. No tenant shall, in the absence of an agreement or decree of Court to the contrary effect, be held liable, in a suit for arrears of rent in respect of any land, to pay rent exceeding in amount the rent payable by him in respect of such land for the last preceding agricultural year, unless a decree for the enhancement of the rent has been made as hereinafter provided.

The said Lieutenant Governor shall have power, from time to time, by notification in the official Gazette, to declare for all or any of the districts under his Government the day on which the agricultural year shall, for the purposes of this section, be deemed to commence.

11. The Court may decree that the rent previously payable by any tenant having a right of occupancy may be enhanced on any of the following grounds :

1st Ground : That the quantity of land held by him as tenant exceeds the quantity for which he has previously been liable to pay rent.

Rule : In this case the court shall decree rent for the land in excess at the same rate as that payable in respect of the land of a similar description and with similar advantages held by him of the same landlord.

2nd Ground : That the rate of rent paid by him is below the rate of rent unusually paid in the same or adjoining villages by the same class of tenants having a right of occupancy for land of similar description and with similar advantages.

Rule : In this case the Court shall enhance his rent to the amount claimed by the plaintiff not exceeding such rate.

3rd Ground : That the rate of rent paid by him is,

if he belongs to the class described in clause I of section five, more than fifty per centum,

if he belongs to any of the classes specified in clauses 2, 3 or 4 of section five, more than thirty per centum,

below the rate of rent usually paid in the neighbourhood by tenants of the same class not having a right of occupancy for land of a similar description and with similar advantages.

Rule : In this case the Court shall enhance his rent to the

amount claimed by the plaintiff not exceeding such rate, less fifty per centum, thirty per centum or fifteen per centum, as the case may be.

12. If the revenue or any of the village-cesses is payable by the defendant, the rate to which his rent may be enhanced shall be reduced by the amount so payable.

13. After a decree has been passed under section ten, no suit shall lie against the defendant for re-enhancement of his rent until the expiration of five years from the date of such decree, unless in the meantime there had taken place a general revision of regular settlement, under which the revenue payable for the land comprised in the decree has been increased.

2. Abatement

14. Every tenant having a right of occupancy shall be entitled to claim abatement of the rent previously paid by him on either of the following grounds, and on no others :

(1) that the area of the land in his occupation has been diminished by diluvion or otherwise, or proved to be less than the quantity for which rent has been previously paid by him ; or

(2) that the productive powers of such land have been decreased by any cause beyond his control.

3. Remission

15. Notwithstanding anything hereinbefore contained, it shall be lawful for the Court, in making a decree for an arrear of rent,

if the area of the land in the tenant's occupation has been diminished by diluvion or otherwise,

or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed,

to allow such remission from the rent payable by him as may appear equitable ;

Provided that, if the tenant hold a lease for an unexpired term of not less than five years, or have a right of occupancy, in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue has been allowed on the same ground and by competent authority in respect of the same estate.

4. *Rent in Kind*

16. No commutation of rent in kind into rent in money, and no commutation of rent in money into rent in kind, shall take place without the consent of both the landlord and the tenant.

17. Whenever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence of the person entitled to the rent and of the cultivator, either personally or by their recognized agents,

if either party neglects to be present at the proper period, or if a dispute arises between the parties regarding such division, estimate or appraisement,

either party may present an application to the Court, on a paper bearing a stamp of eight annas, requesting that a proper person be deputed to make the division, estimate or appraisement.

18. On receiving such application and such sum, to be paid in the first instance by the applicant, as the Court thinks sufficient to defray the costs of serving the notice and making the award next hereinafter mentioned, the court shall issue a written notice to the other party, requiring him to attend on the date and at the place specified in the notice, and shall depute a proper person to make the division, estimate or appraisement and to direct by whom the costs of each party are to be paid.

The award of such person in respect of the said division, estimate or appraisement and costs shall be final, unless within three months from the date thereof either party institutes a suit to set it aside.

CHAPTER IV OF EJECTMENTS

19. No tenant having a right of occupancy in any land shall be ejected therefrom otherwise than in execution of a decree. Such decree shall not be made, unless—

(1) at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards ; or

(2) the landlord tenders to the tenant, in addition to any compensation to which he may be entitled under sections

twenty-seven and thirty-seven (but subject to deduction in respect of the arrears of rent, if any, payable by him). such compensation as the Court thinks fit, not less than fifteen, and not more than thirty, times the amount of the net annual profits receivable by the tenant in respect of such land on an average of the three years next before the date of the tender.

Nothing in the last preceding clause shall be deemed to apply to a tenant belonging to any of the classes specified in section five, or to a tenant when he or the person from whom he has inherited, has continuously occupied such land for thirty years or upwards.

20. A tenant not having a right of occupancy may be ejected—

first, if a decree has been obtained against him for arrears of rent or for ejectment ; or

second, when he is not holding under an unexpired lease, or an agreement, or a decree of Court, by notice given by the landlord in manner hereinafter mentioned.

21. Notwithstanding anything herein contained, no tenant shall be ejected from the land in his occupation, except between the fifteenth day of April and the fifteenth day of June, unless, while the rent in respect of such land is in arrear, he has failed to cultivate the land in accordance with the terms on which he holds it.

Notice of Ejectment

22. The notice of ejectment shall be written in the vernacular language of the district : it shall specify the land which the tenant is to be ejected; and it shall inform him that, if he means to dispute the ejectment, he must institute a suit for that purpose on or before the fifteenth day of May next after the service of the notice, or quit the land on or before that date.

The said Lieutenant Governor shall determine what, for the purposes of this section, shall be deemed to be the vernacular language of each district in the territories under his Government.

23. On the landlord's application to the tahsildar or other officer authorized to serve such notices, the notice shall be served by him on or before the fifteenth day of April, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant.

But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate.

24. The said Lieutenant Governor shall have power, from time to time, by notification published in the official Gazette not less than six months before such notification is to come into force, to fix, for the purposes of sections twenty-two and twenty-three, in all or any of the districts under his Government, any two days other than the days fixed in the same sections ;

Provided that, between the days so fixed by notification, there shall be an interval of at least one month.

25. If the tenant on whom such notice of ejectment has been served fails to institute, on or before the fifteenth day of May next after the service, or, in case the said Lieutenant Governor fixed for the purpose of section twenty-two any day other than the said fifteenth day of May, then on or before the day so fixed, a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on that day.

26. If no such suit be brought, or if such suit be brought and dismissed, and the landlord require the assistance of the court to eject any person whose tenancy is alleged to have ceased under the provisions of section twenty-two, he may apply for such assistance ; and if the court be satisfied that notice of ejectment was duly served on such person, it shall, subject to the provisions of section nineteen, give such assistance accordingly.

Nothing done by the court under this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment, and to recover compensation for the same.

Growing Crops

27. Any tenant ejected in accordance with the provisions of this Act, shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant and being on the land at the time of the ejectment.

Provided that, if the land has been sown or planted by the tenant after the service on him of the notice mentioned in section twenty, he shall not be so entitled, unless, after such service, the landlord had expressly authorized him to continue to occupy the land.

CHAPTER V

OF RELINQUISHMENT, LEASES AND UNDER- LEASES, ALLENATION AND SUCCESSION

1. *Relinquishment*

28. Every tenant shall be liable to pay the rent payable in respect of the land in his occupation for the ensuing agricultural year, unless, on or before the first day of January next before the commencement of that year, he gives notice to the landlord of his intention to relinquish such land before the commencement of such year, and relinquishes it accordingly, or unless the land has been let to any other person by the landlord.

29. The said Lieutenant Governor shall have power, from time to time, by notification in the official Gazette, to declare, for all or any of the districts under his Government, the day on which the agricultural year shall, for the purposes of section twenty-eight, be deemed to commence, and, in lieu of the said first day of January, to substitute, for the purposes of section twenty-eight, in all or any of the same districts, such day as he thinks fit.

30. If the tenant relinquishes the land according to his said notice, he shall be discharge from all liability to pay the rent which would otherwise have accrued due in respect of such land after the date of the relinquishment.

31. If the landlord or his recognized agent refuse to receive such notice, the tenant may apply to the tahsildar or proper officer, and written notice shall thereupon be served by him on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent.

But if he cannot be found, service may be made by affixing the notice of his usual place of residence, or, if he does not reside in the district wherein the land is situate, at some conspicuous place in the village wherein the land is situate.

2. Leases and Underleases

32. Every tenant having a right of occupancy may let or underlet the land in his occupation or any part thereof ;

Provided that nothing in the former part of this section shall be deemed to affect any agreement on the part of a lessee that he will not, or will not without the previous consent of the lessor or his representative, underlet or part with the possession of the said land or any portion thereof.

33. Every person to whom land is let or underlet under section thirty-two shall, in respect of such land, and so far as regards the landlord and his representative, be subject to all the liabilities under this Act to which the lessor or underlessors would have been subject in respect of such land, and so far as regards such landlord and is representative, in case the lease or underlease had not been made.

3. Alienation

34. Any tenant having a right of occupancy claimable in accordance with the terms of any of the clauses of section five, may alienate the land in his occupation, or any part thereof ;

Provided that, in every such case, the land or part afore-said shall be offered for sale in the first instance to the landlord at the market-value, and shall not be alienated to any other person unless the landlord shall, for the space of one month, refuse or neglect to complete the purchase.

Every other tenant may alienate the land in his occupation or any part thereof, with his landlord's previous consent but not otherwise.

35. Every person other than the landlord, to whom land is alienated under section thirty-four, shall, in respect of such land, have the same rights and be subject to the same liabilities as the tenant making the alienation.

4. Succession

36. When a tenant having a right of occupancy in any land dies, his right shall devolve on his male lineal descendants (if any), and, failing such descendants, the right shall go to his male collateral relatives ; Provided that the common ancestor of the deceased and his said relatives shall have occupied such land.

As among descendants and collateral relatives claiming under this section, such right shall devolve and go as if it were land left by the deceased in the village in which such land is situate.

CHAPTER VI

OF COMPENSATION FOR TENANTS' IMPROVEMENTS

37. If any tenant, or, in the case of a tenant with a right of occupancy, the person from whom he has inherited, makes any such improvements on the land in his occupation as are hereinafter mentioned, the rent payable by him or his representative in respect of such land shall not be enhanced nor shall he or his representative be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the money or labour, or both, expended in making such improvements by him, or the person from whom he has inherited, or whom he represents, within thirty years next before the date of such enhancement or ejection.

38. The word "improvements" as used in Section thirty-seven, means works by which the annual letting-value of the land has been, and at the time of demanding compensation continues to be, increased, and shall comprise.

1st, the construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells, the reclaiming and clearing of waste lands and other works of a like nature;

2nd, the renewal or reconstruction of any of the foregoing works, or such alterations therein, or additions thereto, as are not required for maintaining the same, and which increase durably their value.

39. Such compensation may, at the option of the landlord or his representative, be made—

(1) by payment in money;

(2) by the grant of a beneficial lease of the land by the landlord or his representative to the tenant or his representative; or

(3) partly by payment in money, and partly by the grant of such lease as aforesaid.

40. In case of difference as to the amount or value of the compensation tendered, either party may present an application to the court on a paper bearing a stamp of eight annas, stating the matter in dispute, and requesting a determination thereof.

Notice of such application shall be served on the other party by the proper officer ; and the applicant shall pay the costs of service.

On receiving such application, the Court, after taking such evidence as the parties or either of them may adduce, and after making such further enquiry (if any) as it may deem necessary, shall determine (as the case may be) the amount of the payment, or the terms of the lease or both.

Provided that, in determining such amount or value, the court shall take into account any assistance given by the landlord, either directly by money, material or labour at the time of making such improvements, or indirectly by subsequently allowing the tenant to hold at a rate of rent more favourable than the rate at which he otherwise would have held.

41. If in any case a landlord tenders to a tenant a lease of the land in his occupation, for a term of not less than twenty years from the date of the tender, at the annual rent then paid by the tenant, or at such other annual rent as may be agreed upon, such tender, if accepted by the tenant, shall bar any claim by him or his representative in respect of improvements previously made on such land by the tenant or the person from whom he has inherited.

CHAPTER VII OF PROCEDURE

42. Cases cognizable under sections five, six, eleven, fourteen, nineteen, twenty and twenty-five shall, unless otherwise provided for by any law for the time being in force, and subject to the provisions of section twenty-one of Act No. XIX of 1865 (to define the jurisdiction of the Courts of Judicature of Punjab and its Dependencies), be heard in the Civil Courts other than the Courts of Small Causes shall have been specially empowered by the Local Government, under Act No. XI of 1865, section six, to hear such cases,

Applications under sections seventeen, twenty-three, twenty-six and thirty-one shall be deemed to be proceedings on the Revenue side ; they shall be subject to the rules of procedure for the time being in force in such cases, and all orders on such applications shall be appealable to the Financial Commissioner of Panjab.

43. The plaint in every suit under section five, six, eleven, fourteen and twenty-five, shall bear a stamp of eight annas.

44. The procedure now in force in Panjab for the recovery of rent shall, except in so far as it is inconsistent with the provisions of this Act, continue to be in force.

45. All proceedings of officers of Government in making or revising, prior to the passing of this Act, settlements of land-revenue shall, so far as such proceedings are consistent with the provisions of this Act, and subject to appeal and revision when an appeal or a revision is provided, be deemed to have been taken in accordance with law.

APPENDIX III
LAND REVENUE ACT, 1871
(Act No. XXXIII of 1871)

Passed by the Governor General of India in Council.

An Act to consolidate and define the law relating to the settlement and collection of land-revenue in Panjab, and for other purposes.

Whereas the Government of India is by law entitled to a proportion of the produce of the land of Panjab to be from time to time fixed by itself; and whereas it is expedient to consolidate and define the law relating to the settlement and collection thereof, and to the duties of Revenue Officers in Panjab; it is enacted as follows :

Preliminary

1. This Act may be called "The Panjab Land Revenue Act, 1871" :

It extend to the territories subject to the Lieutenant-Governor of Panjab, but not so as to affect the validity of any Regulation made by the Governor General under the provisions of 33 Vic., Cap. 3, for any portion of the territories to which this Act extends ;

And it shall come into force on the first day of January 1872.

For the purposes of this Act, "Estate" means a village or other local area with which a separate settlement is made.

CHAPTER I
REVENUE OFFICERS

2. There shall be in Panjab the following grades of Revenue Officers :

(1) the Financial Commissioner, who shall, subject to the Lieutenant-Governor, be the Chief controlling revenue authority Panjab ;

(2) Commissioners, each of whom shall, subject to the control of the Financial Commissioner, be the chief controlling

revenue authority within a division ;

(3) Deputy Commissioners, each of whom shall, subject to the control of the Commissioner, be the chief executive revenue authority in a district ;

(4) Tahsildars, each of whom shall, subject to the control of the Deputy Commissioner, be the chief executive revenue authority in a tahsil or sub-district.

3. The Financial Commissioner shall be appointed and may be removed by the Local Government with the previous sanction of the Governor General in Council.

4. Commissioners and Deputy Commissioners shall be appointed and may be removed by the Local Government.

Tahsildars shall be appointed and may be removed by the Deputy Commissioner with the previous sanction of the Financial Commissioner.

5. The Local Government may invest any Assistant Commissioner or Extra Assistant Commissioner with all or any of the powers hereinafter conferred upon Deputy Commissioners.

The Deputy Commissioner may distribute amongst the Assistant Commissioner, Extra Assistant Commissioners, and other subordinate officers of his district, as he thinks proper, such revenue duties as, under this or any other Act in force for the time being, they are authorised to perform.

6. The Local Government shall make rule as to the appointment, duties, payment, and removal of Lumberdars or Village Headman, Patwaris or Village Accountants, Kanungos or Superintendents of Village Accountants, such regard as the Local Government thinks fit being had to custom or descent.

Where by any such rule the appointment of Patwaris is directed to be made by the land-owners of a village, the neglect or refusal of such landowners to make any such appointment within a prescribed time shall be punishable with such fine as the Local Government direct; and such fine shall be recoverable as an arrear of land-revenue.

CHAPTER XI OF SETTLEMENTS

7. Whenever the amount of revenue to be paid in a district or other local area is being assessed or re-assessed, or whenever

the record of rights hereinafter described is being either made or revised under the provisions hereinafter contained, a settlement is said to be in progress ; a district or other local area in which a settlement is in progress is said to be under settlement.

8. Whenever any person or persons are permitted to engage with the Government for the payment of revenue due in respect of any land, they are said to be settled with, or a settlement is said to be made with them in respect of that land.

9. The Local Government shall, with the previous sanction of the Governor General in Council, give written instructions to the officer in charge of a settlement, stating the principle on which the revenue in such settlement is to be assessed. No court of justice shall be entitled, under any circumstances, to require the production, or shall permit evidence to be given of the contents, of such instructions.

10. Settlements may be of the following kinds :

(1) a summary settlement is a provisional settlement made pending a first regular settlement ; the declaration of the Local Government that a Settlement was summary shall be conclusive proof that it was so ;

(2) a first regular settlement is a settlement in which the revenue is assessed, and a record of rights is, for the first time, formed ;

(3) a resettlement is a settlement subsequent to a first regular settlement, in which either the revenue is re-assessed, or the record of rights is revised, or in which both these processes are conducted.

11. Whenever a district or other local area is to be put under settlement, the Local Government shall, with the previous sanction of the Governor General in Council, issue a notification of settlement.

Such notification shall :—

(1) define the local area which is to be put under settlement ;

(2) mention such of the officers by whom it is to be made as to the Local Government seems fit ; and, in every case in which judicial powers are conferred, shall specify the powers so conferred ; the officers so mentioned shall be called Settlement Officers, and the Principal Officer so mentioned shall be the officer in charge of the settlement ;

(3) declare whether the settlement is a summary settlement, a first regular settlement, or a re-settlement, and, in the case of a re-settlement, whether there is to be a re-assessment of revenue, or revision of the record of rights, or both ;

(4) declare whether surveys and plans are to be made, and, in the case of a first regular settlement, whether the boundaries of villages and estates are to be adjusted.

12. The Local Government may, with the previous sanction of the Governor General in Council, from time to time amend the settlement notification, and may prescribe the order in which the Settlement Officer shall discharge their duties, or alter the duties to be discharged by them.

13. The Local Government may remove any of the Settlement Officers mentioned in the notification and appoint others to succeed them, or to act for them during their temporary absence.

14. Records of rights hereafter to be made shall consist of the following documents :—

(1) maps and measurement papers, showing the boundaries of the village or place in respect of which the settlement is to be made, and the fields into which it is divided ;

(2) a statement of the occupiers and owners of the fields specified in the said maps, and of the lands occupied or owned by them, and of the terms on which they are so owned or occupied ;

(3) a tender on behalf of the person or persons settled with to engage for the payment of the revenue during the term for which the settlement is made ;

(4) a settlement of the shares or holdings of the different persons settled with, and of the amount of revenue for which, as between each other, they are to be responsible ; and a statement of persons holding lands free of revenue and of the lands so held ;

(5) a statement of the terms on which the persons settled with agree to pay the revenue assessed, and of the customs of the village or place in respect of which the settlement is made ; such statement shall be so arranged as to distinguish such customs as regulate :—

(a) the relations of the persons settled with to the Government ;

- (b) the relations of the persons settled with towards one another ;
- (c) the relations of the persons settled with to other persons ;
- (6) an abstract of the proceedings at the settlement, which shall contain a statement of all judicial decisions passed by the Settlement Officers in the course of the settlement.

15. The Local Government shall from time to time prescribe the form, language, and contents of each of the documents mentioned in the last preceding section, and the manner in which each shall be prepared, signed, and attested ; and may direct either generally or in any particular case, other documents besides those specified to be contained in the record of rights.

16. Judicial decisions passed by Settlement Officers shall be proved in the same manner, and shall have, when proved, the same effect, as judgements delivered by Civil Courts.

Entries in the record of rights made or authenticated at a regular settlement or re-settlement in the manner prescribed by the Local Government shall be presumed to be true.

17. A settlement notified under section eleven shall be deemed to be in progress until sanctioned by the Local Government. Such sanction may be either :—

- (1) of the record of rights, or
- (2) of the assessment, or
- (3) of the record of rights and of the assessment.

The Local Government, on the report of the Financial Commissioner the that operations of the settlement are complete, may, previous to sanction, direct that the record of rights be handed over to the Deputy Commissioner of the District, and that the special jurisdiction conferred on any officer under section twenty-one or twenty-two of Punjab Courts Act, 1865, shall cease, and that the suits pending in the courts of any such officers, or appeals from, or applications for the review of, the judgments of such officers, be transferred to the ordinary Civil Courts, or to the Court of any officer appointed by the Local Government for the purpose of disposing of such suits, appeals, or applications.

18. The assessment or record of rights may be revised, if the Local Government so directs, at any time before they are sanctioned respectively.

19. When a record of rights made in any district or other local area at a regular settlement has been sanctioned, it shall not be revised until such district or local area is again put under settlement, nor shall it at such subsequent settlement be revised otherwise than by

(a) making entries in accordance with facts which have occurred since the date of the abstract specified in clause six of section fourteen ;

(b) making such alterations of the record as are agreed to by all the parties interested therein, or are supported by a judicial decision ;

(c) making new maps, surveys or measurement, when the Local Government so directs, and amending such of the documents of the record of rights as depend thereon, so as to accord with such new maps, surveys or measurement ; but not so as to alter any statement as to the share or holding or status of any person, except in the cases mentioned in clauses (a) and (b) of this section.

20. Any person who considers that he is aggrieved as to any right of which he is in possession, by any entry made in a record of rights, may, after such record of rights has been sanctioned, bring a suit in a Civil Court for a declaration that such entry is incorrect, and that a different entry ought to have been made. The Government and every person interested in such entry shall be made defendants in every such suit.

A decree obtained in such suit shall be of the same effect as if the entry which it declares to be correct had been made originally in the record of rights.

The provisions of this section shall not apply to any entry having the force of an agreement under section two of the Panjab Tenancy Act, 1868, as amended by this Act.

21. Instead of the last clause of section two of the Panjab Tenancy Act, 1868, the following shall be read : "All entries in such record, made previously to the passing of the Panjab Land-Revenue Act, 1871, in respect of matters comprised in Chapter III, IV, V and VI of this Act, shall, when attested by the proper officer, be deemed to be agreement within the meaning of this section."

22. Any Revenue Officer, and, in a district under settlement, any Settlement Officer, may, by a notice in writing, require

the persons liable for the revenue of any village, estate, or filed to erect or repair boundary-marks sufficient for defining the limits of such village, estate, or filed; and if such boundary-marks are not so constructed or repaired within a period to be specified in the notice, such Revenue or Settlement Officer may cause boundary-marks to be so erected or repaired; and the cost of such erection or repair shall be recoverable from the persons liable for the revenue of such village, estate or filed, as if it were an arrear of land-revenue due in respect of such village, estate or filed.

23. Settlement Officers may issue commissions to take evidence, or for local investigations, according to the provisions of the Code of Civil Procedure, and may, if empowered by the Local Government, refer any matter in dispute to arbitrators, whether with or without the consent of parties. The arbitrators to be appointed this section shall exercise such powers, proceed in such manner, and their finding shall be liable to such appeal, as the Local Government directs.

24. Settlement Officers shall have the same power to compel the attendance of all persons whom they believe to be able to give them information as to the matters into which they are empowered to inquire under the notification mentioned in section eleven, as the Judges of Civil Courts have to procure the attendance of witnesses under the Code of Civil Procedure; and all persons who appear before such officers are bound to state the truth upon all such matters, and to produce such documents and other things as may be required of them.

25. Settlement Officers and the servants and workmen employed by them, shall have the powers specified in the Land Acquisition Act (X of 1870), section four, for the purpose of making such plans and surveys as are directed by the said notification, and of collecting such information as to the quality and produce of the land as may be necessary to enable them to assess the revenue to be paid thereon.

26. In regular settlements to be made hereafter, unless it is otherwise expressly provided in the records of the settlement, all forests, unclaimed, unoccupied, deserted or waste lands, quarries, spontaneous produce and other accessory interests in land, shall be deemed to belong to the owners of the estate within the boundaries of which they are at such settlement included.

27. When the waste land belonging to or adjoining an estate is so extensive as, in the opinion of the Deputy Commissioner or officer in charge of a settlement, to exceed the requirements of the owners of such estate with reference to pasturage or other useful purpose, such Deputy Commissioner or officer may at any time, with the sanction of the Financial Commissioner, make a separate settlement of the waste land which he considers to be so in excess, and shall offer such waste land at such assessment, for such term and on such conditions as he thinks fit, to the owners of the estate to which it belongs, and if they refuse such offer, to the owners of any estate to which such waste land adjoins; and if they refuse such offer, to any other person :

Provided that, where the owners of the estate to which such waste land belongs refuse such offer, the Deputy Commissioner shall assign to them an annual allowance not less than five and not more than ten per cent. On the nett proceeds realised by Government from such waste lands.

28. In regular settlements made before the passing of this Act, unless it is otherwise expressly provided in the records of such settlement, all forests, unclaimed, unoccupied, deserted or waste lands, quarries, spontaneous produce and other accessory interests in land, whether included within the boundaries of an estate or not, shall be presumed to belong to the Government.

This presumption may be defeated by showing, from the assessment of the estate, that any such forest, unclaimed, unoccupied, deserted or waste land, quarry, spontaneous produce or other necessary interest was taken into account in such assessment; in which case anything which was so taken into account shall be presumed to belong to the owners of the estate so assessed.

The question whether any such forests, unclaimed, unoccupied, deserted or waste lands, quarries, spontaneous produce, or other accessory interests were or were not taken into consideration in determining the amount of revenue to be assessed, shall be determined by a consideration of the reports made by the Settlement Officer to Government at the time of settlement, or, if the report is silent, by a comparison between the rates assessed in villages in which such forests, unclaimed,

unoccupied, deserted or waste lands, quarries, spontaneous produce or other accessory interests did, and villages of similar character in which they did not, exist.

29. Mines of metal or coal and gold-washings shall in every case be deemed to be the property of Government. But if Government works or causes to be worked any such mine, compensation for damage to the surface of the soil shall be made to the owner of such surface.

Such compensation may be claimed, and shall be ascertained and awarded, in accordance with the provisions of Act X of 1870.

CHAPTER III

ENGAGEMENTS FOR PAYMENT OF LAND-REVENUE

30. When the land in respect of which the settlement is to be made is owned by one person, the settlement shall be offered to that person.

When such land is owned by several persons, it shall be offered to such persons through their representatives.

When there are two classes of owners, superior and inferior, the settlement may be offered to either class, according as the Financial Commissioner directs.

If one of such classes refuses the offer of the settlement, it shall be offered to the other class.

31. When the officer in charge of the settlement has satisfied himself as to the amount at which an estate should be assessed, he shall submit a report at such amount and of the ground on which it is computed to the Commissioner shall forward such report, together with his own opinion thereon, to the Financial Commissioner.

32. The Financial Commissioner shall give such instructions as he thinks fit to the officer in charge of the settlement as to the terms on which the persons with whom the settlement is to be made shall be permitted to offer to engage for the revenue, and such officer shall inform such persons that they may make an offer on such terms, but that Government is not bound to accept such offer.

33. If the persons with whom the settlement is to be made agree to make such offer, they shall become liable, from

the date of such agreement, to the payment of the amount of revenue mentioned in the said offer ; but the Local Government may refuse to accept such offer, and may require any officer whom it may appoint for that purpose to offer the land to such persons at any other rate of revenue, or for any other term, or generally on any other conditions than those offered.

34. Until such refusal and offer of new terms on the part of the Government are notified to the persons with whom the settlement is to be made, they shall be bound by, and shall continue to hold their lands on the terms of, the offer permitted by the Financial Commissioner to be made.

35. All the owners of land in an estate shall be jointly and severally liable for the payment of the whole amount of revenue assessed upon it, and to all the processes hereinafter prescribed for the collection of arrears of revenue.

36. If all the Village Headmen in a village community agree to make such offer, such village community shall be bound by such agreement.

37. If the persons with whom the settlement is to be made neglect or refuse to make such offer as is mentioned in section thirty-two, or to accept any offer made to them under section thirty-three, the officer in charge of the settlement may exclude such persons from their estate, and may make a settlement of such estate with any other persons, or may take the estate shall direct management. The period of such exclusion shall, in no case, exceed the term of the settlement.

Any persons who are so excluded shall be entitled to an allowance from Government, the amount of which shall be fixed by the Financial Commissioner, but which shall not be less than five per cent, nor more than ten per cent, on the nett amount realized by Government from the land from which such persons are excluded.

38. If the term for which any settlement has been made express before a new settlement is made, all persons who continue to occupy the land after the expiration of such term shall hold it upon the conditions of the expired settlement until a new one is made.

CHAPTER IV

MAINTENANCE OF THE RECORD OF RIGHTS

39. When a record of rights has been handed to Deputy Commissioner under the provisions of section seventeen, he shall from time to time record, or cause to be recorded, all facts affecting any matter stated in the record of rights which occur subsequent to the handing to him of the record of rights.

40. The Local Government shall make rules as to the facts to be so recorded and the manner in which, the persons by whom, and the occasions on which, such facts are to be recorded, and as to the fees which are to be paid in respect of recording them.

41. The Local Government shall from time to time make rules as to the procedure to be followed in making or modifying settlement of lands of which the revenue has been assigned and is resumed by Government, lands affected by alluvion, diluvion, or other river action, waste lands settled under the provisions of section twenty-seven, and other isolated portions of land.

Such rules may provide for any matters which may be provided for in a notification of settlement under section eleven, and the officers empowered by such rules to act as Settlement Officers shall have all the powers hereinbefore given to Settlement Officers.

CHAPTER V

COLLECTION OF LAND-REVENUE

42. The Local Government may from time to time make rules as to the instalments by which, and the places and times at which, the revenue payable in respect of any land shall be paid, and for the mode in which notice as to such instalments, places and times shall be given to the persons concerned ; and, until the Local Government shall otherwise direct, the practice as to these matters now observed shall continue to be observed.

It is the duty of every person who has engaged to pay any portion of land-revenue to pay the same at the place, and before sunset of the day, appointed by the Local Government in that behalf,

Any sum not so paid becomes thereupon an arrear of land-revenue, and the person who owes such arrear becomes a defaulter.

43. When an arrear of land-revenue has become due, the Deputy Commissioner may issue a warrant ordering the defaulter to pay the amount within a time therein stated, and empowering an officer to be named in the warrant, in default of the arrear being so paid, to bring the defaulter to the tahsil at a date to be named in the warrant.

If the arrear be not paid, and if, on the day named in the warrant, the defaulter does not show satisfactory cause for extending the time for payment of the arrear, the Deputy Commissioner may direct such person to be conveyed to his headquarters, and there kept under personal restraint for ten days.

The Deputy Commissioner may empower any Tehsildar of his district to exercise the powers conferred by the two preceding clauses of this section.

If the arrear be not paid within ten days, and no good reason for the delay is shown, the Deputy Commissioner may issue an order to the Jailor of the Civil Jail of the district, directing him to confine the defaulter therein as a civil prisoner until the arrear is paid, or until the expiration of such period, not exceeding one year from the date of the order, as the Deputy Commissioner thinks fit; and such persons shall be confined according to the terms of such order; and he may order the distraint and sale of the moveable property of any such person, with the exception of instruments of husbandry, cattle actually employed in agriculture, and the tools of artisans; or he may order either of the above processes to be enforced.

Every sale ordered under this section shall be conducted according to the law in force for the time being for the sale of moveable property under the decree of a Civil Court.

Wherever any of the processes provided in sections forty-six, forty-seven, forty-nine or fifty-two has been enforced in respect of an arrear, the defaulter on account of whose arrear such process has been enforced shall, if he has been imprisoned under this section, be forthwith discharged.

44. No proceeding had, or process enforced, under section forty-three, shall be liable to be contested in any civil court, unless the person aggrieved thereby denies that the

amount of revenue claimed was due, and tenders security for any arrear in respect of which the process was issued, or which is due or is likely to become due before the termination of the suit, and for any costs arising out of the proceedings in the Civil Court, in which case the Court shall issue a precept to the Deputy Commissioner to discharge the prisoner from custody; but the court shall in no case interfere with any such distress and sale of moveable property as aforesaid.

45. If any such process as is mentioned in section forty-three is taken against any person, such person may pay the amount claimed under protest, and, upon such payment, such process shall be withdrawn, and the party against whom it was issued may sue the Government in any Civil Court for the amount so paid.

46. When an arrear of land-revenue has become due, the Deputy Commissioner may, in addition to or instead of the processes hereinbefore specified, cause the land in respect of which the arrear has become due, to be attached and taken under the direct management of any agent whom he appoints for that purpose. The agent so appointed shall stand for all purposes in the position of the person on account of whose default the land was attached and shall be bound by all the engagements or other relations which existed between such person and any subordinate proprietors or tenants with rights of occupancy, and shall be entitled to manage the land attached, and to receive all rents and profits accruing on such land, to the exclusion of the person on account of whose default the land was attached, until the arrears of land-revenue due therefrom have been satisfied, or until the Deputy Commissioner directs him to restore the person whose interest has been attached to the management thereof.

All surplus profits of the land attached, beyond the cost of such attachment and direct management, shall go to defraying the arrear and any instalment of land-revenue that may become due during such management.

And no such management shall continue after the arrear of revenue on account of which it was ordered, together with any such instalment, has been satisfied.

47. If an arrear of land-revenue has accrued in respect of the share of any member of a village community, such community or any member thereof may tender payment of such arrear, or may offer to pay such arrear by instalments; and, if

such tender be made, or if the Deputy Commissioner considers such offer satisfactory, the Deputy Commissioner may transfer the share of the defaulting member to such community or member, on such terms as he considers equitable, either permanently or until such arrear is paid. If more such members than one make such tender or differ, the one who is most nearly related to the defaulter, or who, in case of sale, would have a right of pre-emption, shall be preferred.

48. If such share is so transferred until the arrear is repaid, and if the arrear is not repaid within twelve years, the community or member to whom the share has been so transferred may apply to the Deputy Commissioner to publish a notification that, if the arrear is not paid within one year from the date thereof, such transfer will become absolute; and the Deputy Commissioner may publish such notification accordingly; and if the arrear is not paid before the expiration of one year from the date of the notification, the transfer to such community or member shall become absolute accordingly.

49. The provisions contained in the two preceding sections in favour of members of a village community shall extend to mortgagees and other persons having incumbrances on the land on which the arrear is due, in case neither the community nor any member thereof take action under the said provisions.

50. The procedure prescribed in the three preceding sections shall not affect the joint and several liability of the members of the village community in which it is enforced.

51. When any arrear of land-revenue remains unpaid for more than one month, the Deputy Commissioner, in addition to or instead of any of the processes hereinbefore provided, may, with the previous consent of the Financial Commissioner, cause to be published upon the land in respect of which such arrear is due a notification that, unless the arrear is paid within fifteen days from the date thereof, the settlement made in respect of the estate on which such arrear is due, or in respect of any portion of such estate, and all contracts made by the defaulter or any person through whom he claims, affecting such estate or portion of an estate, will be cancelled.

A copy of such notification shall be stuck up at the tahsil, and be served on each of the village head-men of the village in which the arrear has accrued.

52. If such arrear of land-revenue is not paid within fifteen days from the date of the notification, the said settlement and all contracts made by the defaulter or any person through whom he claims, affecting the land in such estate or portion of an estate, shall be cancelled ; and the Deputy Commissioner, with the previous consent of the Financial Commissioner, may either appoint an agent to manage the land, or may let the land in farm to any person who may be willing to accept the same, for such period and on such conditions as he thinks fit ; and such farmer may, during such period, either occupy the land himself or sublet the same to such persons on such terms as he may think proper :

Provided that, in every case in which the provisions of this section are enforced, no lease of any of the lands mentioned in the notification shall be made to any other person till it has been first offered to the owners of such land ; and such owners shall, if they accept the offer of the lease, be deemed, in the absence of express agreement to the contrary, to hold as tenants-at-will.

A cancelment under this section shall not affect any person, other than the defaulter or his representatives, having an interest in such estate which existed at the date of the last previous settlement.

53. Whenever any person is dispossessed of any beneficial interest in land by any such attachment, direct management, transfer or cancelment as is provided in this chapter, he shall be entitled to an allowance in respect thereof such as provided in section thirty-seven.

54. If the share of any member of a village community is let to farm, under the provisions hereinbefore contained, to any person other than a member of the village community, such person shall not, during the term of his farm, be liable for the land-revenue due in respect of the other shares in the village community ; and if such person is a member of the village community; he may, if the Financial Commissioner so directs, be freed from joint and several liability in respect of such share.

55. When an arrear of revenue cannot be recovered by any of the processes hereinbefore described, the Deputy Commissioner may, with the previous sanction of the Financial

Commissioner, order the attachment, under section forty-six, of any beneficial interest to which the defaulter is entitled in any other land, and may apply the provisions of that section to such land, until the arrear is satisfied.

56. If the Deputy Commissioner is of opinion that an arrear of land-revenue cannot be recovered by any of the means hereinbefore mentioned, he may, with the previous sanction of the Financial Commissioner, sell by auction any land in respect of which such arrear has accrued, or any portion or share of such land ; or any land or houses, or interest in land or houses, other than that in respect of which such arrear has accrued, to which the defaulter is entitled ; but no land or house shall be liable to be sold under this section,

if the land is subject to the Court of Wards, or is so circumstanced that the Court of Wards might exercise jurisdiction over it ; or

if the land is under attachment under this Act, and the arrear has accrued during such attachment ; or

if the land is held in farm under this Act by a person who is not a member of the village community within whose estate such land is situated, and if the arrear has accrued during the term for which it is so held in farm.

57. Land or other property sold under the last preceding section shall be sold free of all incumbrances, and all contracts made by any person in respect of such land or property shall become void as against the purchaser at the auction-sale.

58. In all sales under section fifty-six, the procedure provided by sections two hundred and forty-nine, two hundred and fifty-three to two hundred and sixty, inclusive, of the Code of Civil Procedure, shall be followed, except in the following particulars :

(1) The defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and upon such payment the sale shall be stayed.

(2) The proclamation of intended sale provided in the said section two hundred and forty-nine shall declare that the land is to be sold free of every incumbrance, except the land-revenue and other legal charges to which it may, from time to time, be assessed.

(3) The appeal provided in section two hundred and

fifty-seven of the said Code shall lie to the Commissioner of the Division, and an appeal from the Commissioner's order shall lie to the Financial Commissioner.

(4) The certificate provided in section two hundred and fifty-nine of the said Code shall state that the purchaser has purchased the land to which the certificate refers free of every incumbrance, except the land-revenue and other legal charges to which it may, from time to time be, assessed.

59. A suit may be brought in a Civil Court to set aside any such sale on any ground on which a sale under the Code of Civil Procedure might be set aside ; but not on any of the following grounds :—

(1) that a tender of the arrear of land-revenue on account of which such sale took place was made on or after the day named for the sale in the proclamation of intended sale ;

(2) that the defaulter had any claim against the Government ;

(3) that the revenue due from the defaulter had been remitted, unless the Local Government admits it ;

(4) that money belonging to the defaulter, and sufficient to satisfy the whole or any part of the arrear, was in any Government treasury, unless the defaulter had an exclusive and undisputed property therein, and unless, after application by the defaulter within the time specified in the notification of intended sale that such money should be applied to the satisfaction of the arrear, the Deputy Commissioner neglected or refused upon insufficient grounds so to apply it ; or

where land is sold for an arrear of revenue due in respect thereof ;

(5) that the land sold does not belong to the defaulter.

60. The proceeds of any sale under section fifty-six shall be applied as follows :—

(1) to the payment of the arrear due ;

(2) to the payment of any other arrear of land-revenue due by the same person ;

(3) the surplus shall be paid to the person whose land has been sold ; or, if the land sold was held in shares, then to the co-sharers collectively, or according to the amount of their respective interests, at the discretion of the Deputy Commissioner.

61. Such surplus shall not be payable to any creditor of

the person whose land has been sold on demand of such creditor, nor shall it be retained in the land-revenue treasury, except under precept of a Civil Court, and in satisfaction of a decree of such Court; and whenever such surplus has been paid to the creditors of the owner of any land under a precept of such Court, and the sale of such land is afterwards annulled, such owner shall not be restored to possession, until the amount so paid is returned by him, such interest as the Deputy Commissioner directs.

62. The person named in the certificate of title as purchaser shall be liable for all instalments of land-revenue which may fall due subsequently to the date of certificate.

63. The provisions of this chapter shall apply to all arrears of land-revenue due at the passing of this Act.

CHAPTER VI MISCELLANEOUS

64. Deputy Commissioner may exercise all or any of the powers hereinbefore provided for the recovery of land-revenue for the recovery of any other revenue due from any person to the Government.

65. No Civil Court shall take cognizance of any of the following matters :

(1) claims against Government brought by any person in respect of any matter connected with the offices mentioned in section xi ;

(2) claims against one another, as to partition, by persons who do not contest the correctness of the entries in the record of rights ;

(3) the formation of the record of rights, the preparation, signing and attestation of the documents contained therein, or the notification of an intended settlement ;

(4) any matter for which provision is made in section twenty-seven ;

(5) the right of any person or persons to be settled with, or the validity of any engagement with Government for the payment of land-revenue ;

(6) claims arising out of, or connected with, the collection of land-revenue, or any process enforced on account of

neglect or refusal to engage, or on account of an arrear of land-revenue, except where it is otherwise expressly provided in this Act.

In all the above cases an appeal shall lie to the Deputy Commissioner from all orders and decisions of an officer subordinate to him ; and to the Commissioner from all orders and decisions, original or appellate, of the Deputy Commissioner ; and to the Financial Commissioner from all orders and decisions of the Commissioner.

The Financial Commissioner shall have power to call for the record of any proceedings had under this section by any Revenue or Settlement Officer, and to pass such order thereon as he thinks fit.

Such proceedings shall be conducted according to the rules prescribed by the Local Government.

Such fees shall be chargeable in respect of proceedings under this section, whether original or appellate, as the Local Government from time to time, with the sanction of the Governor General-in-Council, directs.

66. The Local Government may, with the previous sanction of the Governor General-in-Council, make and issue, and may, with the like sanction, from time to time, alter rules in accordance with the provisions of this Act to regulate and specify :

(1) the proceedings of any officer or other person who, under any provisions of this Act, is required or empowered to take action in any matter ;

(2) the cases in which the officers to whom, and the conditions subject to which, orders and decisions given under this Act, and not expressly for as regards appeal, shall be appealable ;

(3) the persons by whom the time, place and manner at or in which, anything for the doing of which provision is made in this Act, shall be done ;

(4) the amount of any fine to be imposed or charge to be made under the provisions of this Act ;

(5) the form and contents of reports to be furnished by Settlement Officer, and the period within which such reports shall be so furnished ;

(6) and generally to carry out the provisions of this Act.

Such rules shall be published in the official Gazette, and shall have the force of law.

Such rules shall be published in the official Gazette, and shall have the force of law.

67. All rules having the force of law made under this Act shall, with the previous sanction of the Government of India, be republished once at least every year, and, upon such republication, shall be arranged in the order of their subject matter ; and all such alterations or amendments as may have been made in the course of the preceding year, or may have become necessary or advisable, shall be embodied therewith ; and upon such republication all previous rules shall be repealed.

All rules heretofore prescribed by competent authority, in respect of any of the matters for which rules may be made under this Act, shall be deemed to be in force for six months after this Act comes into force, unless any rules on the same subject are previously issued by the Local Government.

This Bill was passed at a meeting of the Council of the Governor General of India for the purpose of making laws and Regulations on the thirtieth day of October 1871.

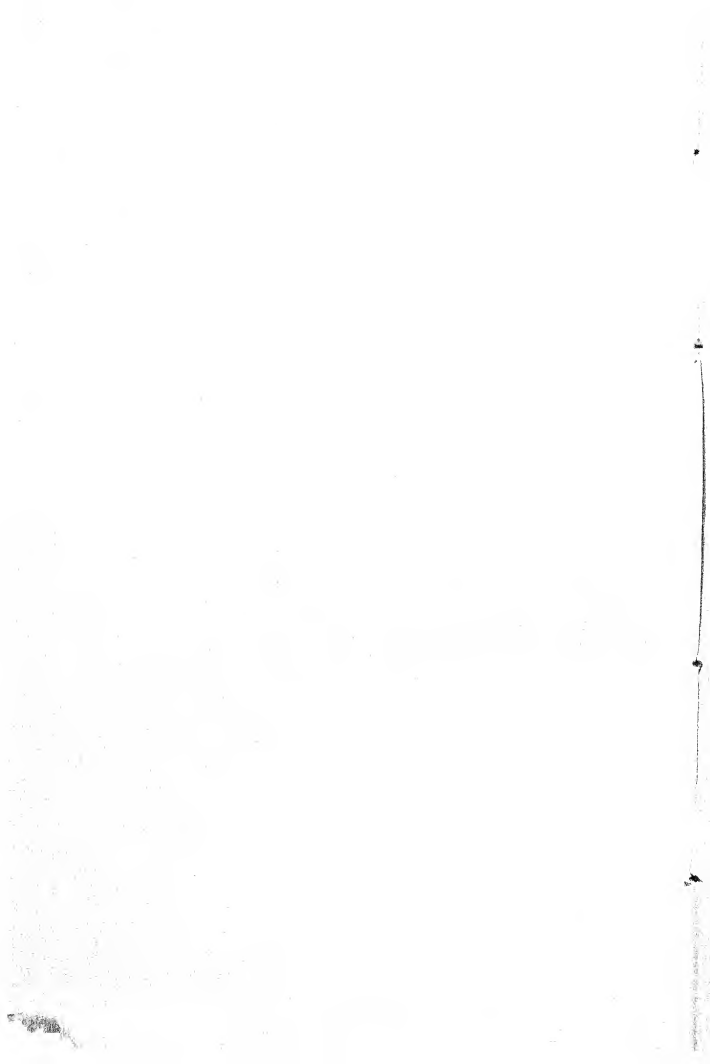
(Sd.) MAYO,
President.

(I assent to this Bill.)

(Sd.) MAYO,
The 18th November 1871. Viceroy and Governor General.

(An authentic copy.)
(Sd.) H. S. CUNNINGHAM,
Offg. Secy. to the Council of the
Governor General
for making Laws and
Regulations.

GLOSSARY



GLOSSARY

1. *Abkaree* : Revenue derived from duties leveied on the manufacture and sale of inebriating liquors.
2. *Adalat* : Court of Justice.
3. *Adaluttee* : An officer of justice.
4. *Afim* : Opium.
6. *Anjuman* : An assembly.
6. *Badmash* : Bad character, hooligan.
7. *Bania* : A Hindu trader, or shopkeeper or money changer.
8. *Bedees* : A section of the Khatri caste to which Guru Nanak, the founder of Sikhism belonged. It is divided into two sub-sections, which intermarry.
9. *Bhung* : Hemp.
10. *Brahmin* : A man of the first order or caste of Hindus, properly charged with the duty of expounding the Vedas, and conducting the ceremonies they enjoin.
11. *Chaudhari* : Executive Officer over sub-division of a district; minor local chief. Headman of a craft in a town. Person selected by Government as the agent through whom supplies, workmen etc., are supplied for public purposes.
- 11^a. *Chapatty* : Bread.
12. *Chaukidar* : A watchman, a police or custom peon, a village watchman.
13. *Cher* : The profit of cultivation; the cultivators share of the profit.
14. *Chooras* : Sweepers.
15. *Churus* : The exudation of the flowers of hemp.
16. *Darbar* : A court, a royal court, an audience or levee.
17. *Devi* : Any goddess, but especially a name of Durga, the wife of Siva.

18. *Diwali* : The popular festival of Hindus, the feast of lights.
19. *Diwani* : Rights of civil administration.
20. *Diwani-Adalat* : The court of civil and revenue jurisdiction.
21. *Doab* : The country between the Ganges and the Jumna. Land lying between two rivers.
22. *Dussehra* : Autumn festival commemorating Rama's defeat of Ravana.
23. *Ekka* : A light carriage.
24. *Faqir* : Any poor or indigent person. In law one who possesses only a little property. A mendicant.
25. *Grunth* : The Book, *i.e.*, the scripture of the Sikhs containing the hymns composed or compiled by their leaders from Nanak (1469-1539) onwards.
26. *Gurmukhi* : The modification of the Devanagri alphabet devised by the Sikhs ; it does not differ in shape, but the powers of many of the letters are inter-changed.
27. *Halqa Bandi* : A concentric division of villages.
28. *Harnees* : A highly criminal tribe found in the Ludhiana, Jullundur, and Hoshiarpur districts.
29. *Inam* : A gift, a benefaction in general, a gift by a superior to an inferior.
30. *Jagir* : Assignment of land and its rent with or without conditions of service.
31. *Jagirdar* : Holder of a Jagir, holder of any assignment of revenue.
32. *Jamadar* : Sweeper
33. *Jansees* : A criminal tribe.
34. *Jat* : A caste of industrious and enterprising cultivators.
35. *Kahars* : A caste employed in towns as palanquin-bearers.
36. *Kardar* : Sikh sub-divisional officer. An agent of the Government.

37. *Kayastha* : A caste the occupation of which is that of the writer or accountant.
38. *Khalsa* : A term employed to distinguish the royal demesne from that held by barons and chiefs, Government land.
39. *Khatri* : A caste of silk-weavers.
40. *Khoj* : Tracing anything lost or escaped.
41. *Koftgari* : Gold, beating, gilding, steel-work inlaid with gold.
42. *Koran* : The sacred book of the Mohammadans, the supposed revelations made to Mohammad, and delivered by him orally, collected and committed to writing by the Khalif Omar.
43. *Kooree-mar* : Daughter slayer.
44. *Kotwal* : Chief of Police in a town. Executive Officer in-charge of town.
45. *Kotwali* : Police Station.
46. *Lambardar* : Village headman. The cultivator who, either on his account, or as the representative of other members of the village, pays the Government dues and is registered in the collector's roll.
47. *Mahalwari* : Mahalwise assessment. Mahal comprises a number of villages.
48. *Maharaja* : A supreme sovereign prince, applied in courtesy to every Raja.
49. *Mazhabee* : A dacoit, a robber and often a Thug.
50. *Minas* : A caste which is, in the Punjab at least, almost invariably criminal.
51. *Mohalla* : A quarter, part of the town, district, division.
52. *Mookhtars* : An authorised agent, an attorney.
53. *Moonsiff* : Subordinate Judge. A civil judge of the lowest rank.
54. *Mufti* : A Mohammadan law officer, whose duty it was to expound the law which the *Qazi* was to execute; the latter in British India, usually discharged the duties of the Mufti also.

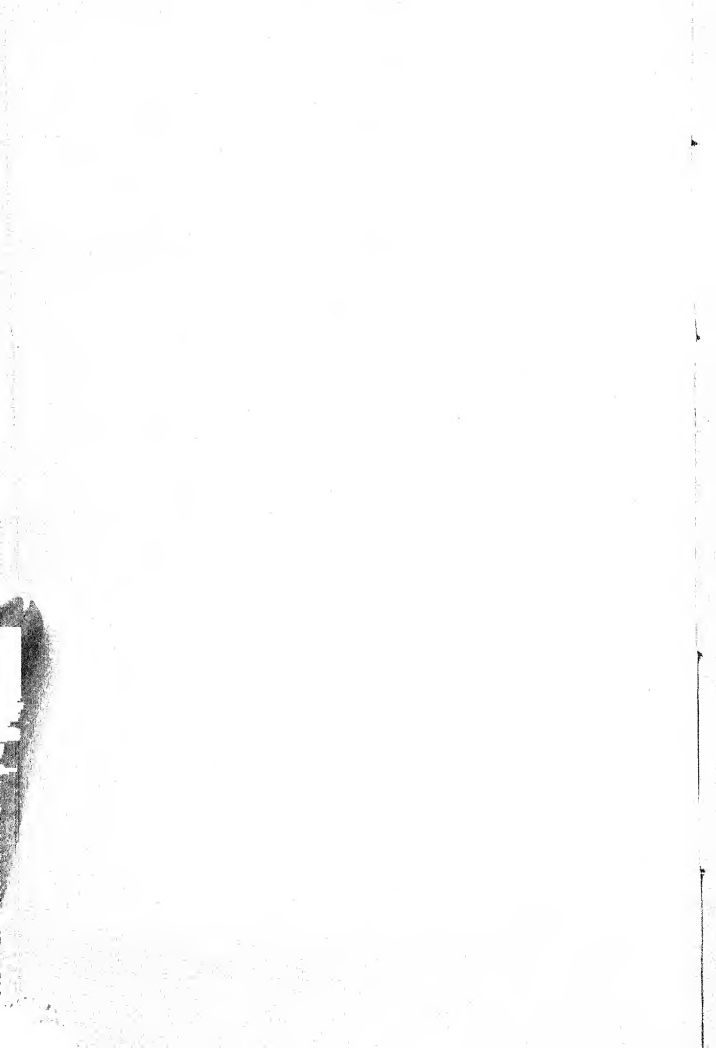
- 55. *Muskerat* : Excise relating to drugs.
- 56. *Naib* : A deputy.
- 57. *Naib-Tahsildar* : Assistant to Tahsildar.
- 58. *Panchayat* : Committee, traditionally of five members to decide petty disputes among the people.
- 59. *Pandit or Pundit* : A learned Brahmin, one who makes some branch of Sanskrit learning to special study, and teaches it.
- 60. *Parwana* : An order, a written precept or command, a letter from a man in power to a dependent, a custom house permit or pass, an order for the possession of an estate or an assignment of revenue, a warrant, a license, a writ, a paper of permission from a zamindar to a cultivator to take up lands, leaving the rent to be subsequently settled.
- 61. *Peer* : A holy man : among Mohammadans, a Saint, a spiritual guide, Muslim religious leader.
- 62. *Qanungo* : An expounder of the law. Revenue Officer of sub-division of district.
- 63. *Qazi* : Doctor of Mohammedan law. The word is etymologically derived from the root word for decreasing, ordaining or judging, and 'Quazi' signifies one who gives decisions. It is the technical designation for a judge (civil and criminal) in the Courts. In addition, however, to his strictly judicial functions the 'Quazi' used to perform other functions such as officiating at marriages, superintending *atalaq*, and perhaps leading ceremonial prayers. These latter are the only functions discharged by 'Quazis' in British India.
- 64. *Ryot* : Peasants collectively. Peasants. A tenant under a landlord. Also a landholder or occupant holding direct from Govern-

- ment and not under any middleman or landlord.
65. *Ryotwari* : The system of settlement in which there is no middleman or landlord over the individual ryots, who are severally liable for the revenue assessment on the holding.
66. *Sadee* : The celebrated Persian poet, author of the "Gulistan", 'Bostan', and other works.
67. *Sadar* : A supreme *panchayat*, one appointed to superintend other smaller bodies, where there are many, and report their proceedings to the Government Officer.
68. *Sansees* : A criminal tribe found in Lahore, Amritsar, Ludhiana, Karnal and Gujrat.
69. *Sargiroh* : Chief of a group.
70. *Sardar* : A chief, a headman, a commander, a prefix used by Sikhs.
71. *Sawun* : 4th Hindu solar month corresponding to July-August.
72. *Serai* : An inn.
73. *Shastar* : The Law Books or sacred writings of the Hindus. A religious code. A scientific treatise.
74. *Shurah* : Mohammedan law.
75. *Sedhees* : A section of the Khatri caste.
76. *Tahsil* : A local revenue sub-division.
77. *Tahsildar* : An Indian Collector of revenue.
78. *Tahsildari* : The office, duty or jurisdiction of an Indian Collector.
79. *Thanah* : Police Station.
80. *Thugee* : The practice of strangling and robbing, the practice of child stealing,
81. *Tulabana* : Daily pay or fees to a subordinate officer of the court charged with serving process, issuing summonses or writ, payable by the parties on whom they are served.
82. *Thanadar* : An Officer in charge of a *Thana*. A petty police officer subordinate to a *daregha*.

83. *Taqavi* : Money advanced to a ryot by his superior to enable him to carry on his cultivation, and recoverable with his quota of revenue.
84. *Tumbakoo* : Tobacco.
85. *Vakeel* : Agent, pleader or advocate.
86. *Zamindar* : A landlord or proprietor receiving rent and paying revenue thereon direct to the Government.
87. *Zamindari* : Pertaining to the tenure of a zamindar.
88. *Zillah* : A district.

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